The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 2, 1983, at 1:00 p.m. in Room 325, State Capitol.

ROLL CALL: Roll was called with all members being present.

SENATE BILL 253: Senator Pat Regan, District 31, sponsor of the bill, stated the bill had been introduced by request of the Board of Public Education. She said the bill addresses a very sensitive and serious problem area in education in Montana. She stated she felt the committee is the proper arena and she was the proper sponsor as she is a teacher and a mother of four, all of whom have attended private school at some time in their educational careers, as she did herself. She stated private schools in the state provide good services and offer parents a choice. She noted it is the job of the Board of Public Education to ensure that each child in the state has a quality education.

She noted section 4, page 9 of the bill is the heart of the matter. It is a new section dealing with nonpublic school requirements for compulsory enrollment exemption. The bill would require that the parent, the guardian, or the school authority in a private or home school file a verified statement with the county superintendent demonstrating that the school is in compliance with certain criteria, i.e. basic instructional program is being offered to the students, and provides for at least 180 days of pupil instruction or as per the proposed amendment (exhibit #1) "or the equivalent". This amendment would clarify the 180 day requirement if the 4 day week were to pass. Also it provides for the teacher and/or the administration to meet certain criteria, a record to be kept of attainment, attendance, and courses completed for each student, and the county superintendent is charged with enforcement and in case of a dispute there is the right of appeal to the Board of Public Education.

PROONENTS

John Maynard, Assistant Attorney General, stated the Attorney General's office has received several requests in the past two years regarding clarification of the present law regarding the legality of home instruction under the compulsory attendance law. Mr. Maynard presented copies of the Attorney General's opinion to the committee (exhibit #2).
Judy Browning, Assistant Attorney General, presented the committee with a summary of selected court cases and state laws concerning school attendance (exhibit #3).

Merv Finstad, President, Montana Association of Elementary School Principals, presented his testimony in support of the bill to the committee (exhibit #4).

Representative Kelly Addy, District 62, stated the bill sets minimums not maximums. He stated Thomas Jefferson pointed to the need for an educated populace if we are to govern ourselves with the light of reason. Those who are not provided with a good education and training become a burden to society. Everyone should have input into the educational process, he said, as one person's education is another person's propaganda. If private schools are allowed to embark on a different course of instruction using instructors who may be unsuited to the subject matter or the principles of education, we are abdicating our commitment to public education.

Larry Stollfuss, representing the Montana Association of County School Superintendents, spoke in support of the bill (exhibit #5).

Marie Elwood, representing County Superintendents and County Superintendent of Schools in Custer County, spoke in support of the bill (exhibit #6).

Jean Grow, Dawson County Superintendent of Schools, and representing County Superintendents of Schools, presented testimony in support of the bill (exhibit #7).

Charlene Bailey, representing County Superintendents, presented her testimony in support of the bill (exhibit #8).

Earl Reimer, representing the Association of Non-Public Schools of Montana, spoke in support of the bill (exhibit #9).

John Frankino, representing the Montana Catholic Conference, spoke in support of the bill (exhibit #10).

The time having expired for proponents testimony, Senator Brown asked those remaining proponents with written testimony to turn it in to the committee secretary for inclusion in the minutes. Those additional proponents were: Al Gunderson, representing the Board of Public Education (exhibit #11), Rod Svee, Office of Public Instruction (exhibit #12), Jim Murry, AFL-CIO (exhibit #13), Hidde Van Duym, State Board of Public Education, (exhibit #14), David Hartman, Montana Education Association (exhibit #15), Dolores Hughes, Phillips County Superintendent of Schools (exhibit #16), DeLoy Denning, Missoula County Superintendent of Schools
(exhibit #17), Chip Erdmann, Montana School Boards Association (exhibit #18), Terry Lynn Minow, Montana Federation of Teachers (exhibit #19), Pat Callbeck Harper, representing herself (exhibit #20), Thelma Robertson, representing the Montana County Superintendents of Schools (exhibit #21).

OPPONENTS

Douglas B. Kelley, Pastor, Grace Gospel Church, Helena, presented his testimony in opposition to the bill (exhibit #22).

Representative Tom Hannah, District 67, spoke in opposition to the bill (exhibit #23).

Dr. R. J. Rushdoony, Chalcedon Vallecito, California, stated he has testified many times in the past six years in state and federal courts in the area of private school education. He noted decisions are now recognizing a conflict of interest does exist between the private sector educators and state agencies in many areas of the nation, most recently noted in the Hotchkiss decision in Michigan. He pointed out due to greater centralization of administration, the quality of education is declining. According to a recent Senate study there are 20 million graduates of public schools who are illiterate. He stated there are reasons why the private schools are developing rapidly. When the state interferes it interferes with religion and the constitutional conflict begins. He further stated Montana has an enviable reputation as a trouble free state and it would be sad to see it torn apart by legislation which invades the church prerogatives.

Dan Loomis, representing the Christian Law Association, Cleveland, Ohio, stated there is no question as to the quality of education in the Christian schools in the cases his firm has handled. He pointed out some problems he perceived in the bill. He felt the state is placed in a position of investigation and authority in the areas of appeal to the Board of Public Education and increasing of the County Superintendent's power. Christian schools believe their ministries of teaching are mandated by the Bible. Therefore, any state interference in the ministry of the church school is a violation of the constitutional separation of church and state. There is required a certain balance of interests between churches' religious convictions and the state's interest in education of all children. He feels the conflict of interest vests itself in a competitor (the state educational system trying to control its competitor, the church school). Another problem he noted was compulsory attendance
and certification, there being no guidance or uniformity for the superintendents.

Gregory L. Dorow, Billings, presented his statement in opposition to Senate Bill 253 (exhibit #24).

Jay Wilson, Evangelist of Christ Church, Bozeman, representing the Christian Education Association of Montana, spoke in opposition to the bill (exhibit #25).

Arthur R. Lickey, representing the Montana Conference of the Seventh Day Adventists, spoke in opposition to the bill. He stated the Seventh Day Adventists operate 14 schools in Montana in full cooperation with the Board of Public Education and fear nothing from the bill in relationship to their schools. He addressed his remarks to the rights of all in the area of religious freedom. He stated safety and health concerns are valid as are requirements for a basic curriculum. He, however, sees a problem with teacher certification as certification does not necessarily make a good teacher. All certification means is control for the state. Trying to put the mold of the public school on the private church school is an infringement on the First Amendment rights of the Constitution. A religious school is not a public school. There are sufficient laws to give sufficient protection now. He noted parents are paying to put their children in private schools now and if those schools aren't doing the job the parents will pull their children out and the schools will close. The problem, if one exists, will take care of itself. He urged the committee to take a good hard close look before putting the lid of public education down on the situation. He noted the Board of Education has 100% control over public schools at present and 100% control does not guarantee quality education. He noted it doesn't work against it either, but felt a great deal of consideration must be given before a decision is reached.

Michael L. Proffitt, Whitefish, representing private schools, presented his testimony in opposition to the bill (exhibit #26).

James D. Moore, representing the New Covenant Christian School, Kalispell, presented his testimony in opposition to the bill (exhibit #27). He further noted that all the children in the school were praying for the members of the committee this week.
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Chris McBee, Bozeman, representing the Taxpayers Educational Association, presented testimony in opposition to the bill (exhibit #28).

Mrs. Mary E. Doubek, representing herself, private schools, children and parents, presented her testimony in opposition to the bill (exhibit #29).

There being no further time for opposing testimony, Senator Brown asked those remaining opponents with written testimony to turn it in to the committee secretary for inclusion in the minutes. Those additional opponents were: Jim Hearing, Pastor and Principal, Billings Christian School (exhibit #30), Phil Lindsay and Glenn Lindsay, Grace Gospel Church, Valier (exhibit #31), Bill Koerner, representing Independent Americans (exhibit #32), Joy Paul Schwenke, Sidney, (exhibit #33), Raymond Gerber, Ravalli County, (exhibit #34), Mrs. Virginia Baker, Fairfield, (exhibit #35), Sharon Sutton, Broadview (exhibit #36), Pastor Justin Fulton, Darby Baptist Temple, Darby (exhibit #37), Naomi Well, Corvallis (exhibit #38), Erik Berg, Darby Baptist Temple, Darby (exhibit #39), Lee Barrows, Cornerstone Christian Community, Great Falls (exhibit #40), Pastor Donald P. Kelley, representing the Lord Jesus Christ, Grace Gospel Church, and Liberty, Joplin (exhibit #41), Steve Valentine, Missoula Community Chapel (exhibit #42), Pastor Mike McGovern, Foursquare Gospel Church, Missoula (exhibit #43), Gregory Ammondson, representing the Roundtable of Montana, Missoula (exhibit #44), Pastor Walter Lacy, First Baptist Church, Laurel (exhibit #45), Dean Locke, Billings, (exhibit #46), John Maize, Hamilton, (exhibit #47), Jim Mapledoram, Missoula, Lyman Dee Jessop, Pine's Academy, Pinesdale, (exhibit #48), Patty Barnett, Missoula (exhibit #49), Bill Brickey, Full Gospel Church, Eureka (exhibit #50), Earl Hargis, Pastor, Florence Bible Church and Christian Academy, Florence, (exhibit #51), Rosemary Rodgers, Helena, (exhibit #52), Pat Reis, Helena, (exhibit #53), Beverly Glueckert, Helena, (exhibit #54), John J. Thiebes, Sussex School, Missoula (exhibit #55), Pastor Russell Johnson, Seventh Day Adventist Schools of Montana (exhibit #56) William Johnson, Boulder (exhibit #57), Pastor Jim Brackett, Seventh Day Adventist Church, Billings (exhibit #58), Terry Dorow, Billings (exhibit #59), Lynn Marie Balyo, Billings (exhibit #60), John Dahl, Foursquare Christian School, East Helena (exhibit #61), Sharon Tuskin, Belgrade (exhibit #62), Monte Perry, Seventh Day Adventist Schools of Montana, Bozeman (exhibit #63), Ronnie K. Maynor, Missoula, Pastor Victor R. Alinen, Foursquare Church, East Helena, Dan Vander Jagt, Billings (exhibit #64).
Senator Regan closed by saying the issue has been clouded by objections. She noted the bill tries to strike a delicate balance between the parents' right to choose and the state's interest in the child's total education. She felt the bill does not violate parent's choice and allows them to retain local control. She noted there is no provision in the bill that requires teacher certification. The courts have always held that basic requirements regarding health, safety, and basic core education are in order. Truancy laws require basic attendance and the amendment addresses the objection to 180 days. Finally, she noted, the bill in no way interferes with free exercise of religion or ministry of the church. If it did, Senator Regan said she would not have agreed to sponsor it. She firmly believes private schools play an important role in the educational system. They are necessary, they enrich the state, offer an excellent choice to parents of the state and are good for all of us. The bill strives to strike a delicate balance which preserves the right of parents to dictate where their children will be educated and the obligation of the state to ensure that every child is provided the opportunity to obtain a basic education.

ADJOURN: There being no further business, the meeting adjourned at 3:00 p.m.

Senator Bob Brown, Chairman
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NAME: Mary Rodgers - opposed
Patricia Green - opposed
Sharon Jutson - opposed

SUPPORT: 
Pastor Justin J. Jutson - opposed
Margaret J. Jutson - opposed
Erik C. Berg - opposed
Wilamina Berg - opposed
James H. Berg - opposed

OPPOSED: 
John H. Worley - opposed
Virginia Becker - opposed
Karen T. McBee - opposed
Shiloh C. McBee - opposed
Chris McBee - opposed
Patty Barnett - opposed
Sussex School - opposed

Beverly Bluechart - opposed
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Exhibit #1
February 2, 1983

Amendments to SB 253

1. Page 10, line 3 and 4.
   Following: "instruction"
   Strike: remainder of lines 3 and 4
   Insert: "or the equivalent"
In August, 193G, the attorney general of Montana, Mr. Greely, issued his opinion that home schools are illegal because the “private institution” exception to the law means “private school” and does not apply to a parent who teaches his children at home.

Montana compulsory attendance statutes do not exclude the home as a “private institution”; in fact, the term “private institution” is not even statutorily defined. Furthermore, case law in two states has already interpreted the phrase “private school” to include home instruction.

Mr. Greely based his opinion on an early but often quoted opinion, State v. Cumont. In reaching his decision he relied on one excerpt from the Cumont opinion which is quoted in a study on compulsory attendance law. This study misreads the Cumont decision and promotes a distorted concept of “private school” by citing only this one excerpt from it, which states:

We do not think that the giving of instruction by a parent to a child, conceding the competency of the parent to fully instruct the child in all that is taught in the public schools, is within the meaning of the law “to attend a private school.” Such a requirement means more than home instruction. It means the same character of school as the public school, a regular, organized and existing institution, making a business of instructing children of school age in the required study and for the full time required by the laws of this state.

Focusing on this excerpt alone leads to an inaccurate conclusion. Even Cumont does not support such a generalization, for the Cumont court stated directly:

Undoubtedly a private school may be maintained in a private home in which the children of the instructor may be pupils. This provision of the law is not to be determined by the place where the school is maintained, nor the individuality or number of the pupils who attend it. It is to be determined by the purpose, intent and character of the endeavor.

The object of compulsory attendance laws is that all children be educated, not that they be educated in any particular manner or place. In People v. Levison, the Supreme Court of Illinois further elaborated:

The law is not made to punish those who provide their children with instruction equal or superior to that obtainable in the public schools. It is made for the parent who fails to properly educate his child.

A recognition of the right of the parents, acting in good faith and particularly out of deep religious conviction, to direct and control the education of their own children must be observed. This right was most assuredly recognized in 1972 when the Supreme Court of the United States ruled that in certain cases, i.e. those raising valid Free Exercise claims under the First Amendment, the Constitution requires not only that parents be permitted to enroll their children in a private school, as mandated in Pierce and Farrington, but that parents need not enroll their children in any statutorily recognized educational program.

Courts in many jurisdictions have dismissed suits against or ruled in favor of parents who taught their children at home regardless of state compulsory attendance statutes or state board regulations, by limiting the extent of state regulation of private schools and home schooling, as can be documented by the cases appended to this statement.

“There is no more private relationship, except marriage, which the Constitution safeguards than that between parent and child. The Court looks upon any invasion of that relationship as a direct violation of one’s Constitutional right to privacy.”

Other side, please
FOOTNOTES

1. People v. Levison, 406 Ill. 574, 90 NE 2d 213 (1950) and State v. Peterman, 32 Ind. App. 665, 70 NE 550 (1904).
5. Ibid., 364.
6. Levison, 574.

APPENDIX

2. Parents can choose the education scheme that best meets the principles underlying their way of life, provided the latter is sufficiently defined. The state cannot assert the role of parens patriae over the parents' interest. The state's interest in universal education, however, is not totally free from a balancing process when it impinges on other fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children. Wisconsin v. Yoder, 406 U.S. 122 (1972).
3. The state cannot interfere with a parent's right to make affirmative decisions concerning his child's disposition, particularly where spiritual, cultural or psychological factors are involved. Finot v. Pasadena City Bd. of Ed., 58 Cal. Rptr. 512; 250 Cal. 2d 226 (1967); Dickens v. Ernesto, 37 A.D. 4d 102, 322 N.Y.S. 2d 581 (1971).
5. "The right of the parent...to determine what studies his child shall pursue is paramount to that of...teachers." State ex rel Shelby v. School Dist. No. 1 of Dixon County et al., 31 Neb. 552, 48 NW 393 (1891).
6. Despite the compulsory school attendance laws, the parent retains the right to direct the education of his child. Van Allen v. McCleary, 27 Mis. 2d 81; 211 N.W. 2d 501 (1961).
7. The schools cannot compel the child to pursue study that is forbidden by the parent. Morrow v. Wood, 35 Wis. 59, 17 Am. Rep. 471 (1874).
9. The individual citizen has the fundamental right to direct the upbringing of his own children. Meyer v. Nebraska, 262 U.S. 390 (1923); Yoder v. Pierce.
10. The state cannot force children to accept standardized instruction. Pierce.
12. The parent has the ultimate constitutional right to govern or control his own progeny. "It would be revolutionary and possibly subversive to hold that any such overreaching power exist in the state or any of its agencies." Hardwick v. Bd. of School Trustees of Fruitridge School Dist., 54 Cal. App. 696; 205 P. 49 (1921); Rallison et al v. Post 79, 111. 567 (1875); Trustees of Schools v. The People ex rel Markin Van Allen, 81 Ill. 303 (1887); State ex rel Kelly v. Ferguson et al., 9 Neb. 63; 144 NW 1039 (1914); State v. Zobel, 81 S.D. 260; 134 NW 2d 101 (1965); Shepherd v. State, 306 P. 2d 346 (1957).
13. Case law in Indiana interprets the statutes that state the child does not have to attend public school if he is provided with instruction equivalent to that given in the public school, to include home instruction. State v. Peterson, 37 Ind. App. 665, 70 NE 550 (1904).
15. The parents' operation in their home of a non-accredited private school in possible noncompliance with the state's compulsory school attendance law does not render them liable for failure to provide education of the child. Nebraska v. Rice, 204 Neb. 732, 285 NW 2d 223 (1979).
17. No one can be compelled to send his child to any school to which he may be conscientiously opposed. Kentucky v. Radziwill, 509 SW 2d 877 (Oct. 9, 1979).
18. State department of education minimum standards cannot deprive parents of their traditional interest to direct the upbringing and education of their children by violating their First and Fourteenth Amendment rights to the U.S. Constitution. Ohio v. Whitener, 47 Ohio St. 2d 181 (1976).
§ 48222

PUPILS

§ 48222. Attendance in private school

Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school

§ 48223. Purpose

Purpose of this section is to relieve a specified category of children of attending public school attendance and to exempt such persons from penalties, obligations, or requirements imposed in violation of compulsory education laws by private school authorities. The attendance of the pupils in such school shall not be construed as an attendance by the owner or head of such private school of any pupil of the school, for attendance under the circumstances described in Section 33190 requiring the annual filing by the owner or head of a private school of an affidavit or statement of prescribed information to the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

(Stale 1976, c. 1010, 1, operative April 30, 1977.)

Pursuant to Chapter 2 of Title 23, Education Code.
Children not attending a private, full-time, day school and who are being instructed in study and recitation for at least three hours a day for 175 days each calendar year shall hold a state valid, which states that the instruction is conducted in a private school. This instruction shall be attended by an instructor who is a resident of the state and who shall be qualified to teach in said school. The attendance of children in private schools shall be subject to the same regulations as those in public schools. The regulations shall be published by the State Board of Education and shall be available for public inspection.
120.095 SCHOOL CENSUS.

Subdivision 1. Except as otherwise provided in this section, the school board of each district shall cause to be taken an enumeration, called the school census of all persons under 21 years of age on September 1 during the year the census is taken. The school census shall show the name and date of birth of each person required to be enumerated and the name and address of his parent, guardian, or other person having charge of such child, and such other data as the state board may require.

Subd. 2. The school census shall be taken by the clerk of the board, or by some other person appointed by the board. Such person taking such census shall certify to the board the correctness of the enumeration and the information therein contained. The board shall fix the compensation for such work. Each child shall be counted in only one district, being in which he resides on September 1 and the enumeration period shall be from September 1 through October 1.

Subd. 3. The school census shall be taken each year during the period September 1 through October 1 and reported in summary form to the department of education before October 15 of each year by all districts except as follows:

In districts including cities of the first class and other school districts in which the district boundaries coincide with those of federal census tracts the decennial census tabulation made by the federal bureau of the census may be substituted for the prescribed enumeration.

Subd. 4. The school board of any district, at its option, may establish a permanent and continuing census or enumeration that will keep current the data required by subdivisions 1 to 3.

Subd. 5. The school census shall include an enumeration of children requiring special education by categories as designated by the state board and as required for reports deemed necessary by the commissioner of education.

Subd. 6. The school census shall include an enumeration of children of limited English proficiency residing within the district by primary language. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English proficiency residing in the school district. As used in this subdivision, the following terms have the meanings given them:

(a) "Children of limited English proficiency" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof have difficulty reading, writing, speaking and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language; and

(b) "Primary language" means a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 7. The school census shall include an enumeration of American Indian children residing within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

History: 1969 c 1082 s 1; 1971 c 84 s 12; 1977 c 306 s 13; 1977 c 312 s 12; 1980 c 609 art 3 s 1

120.10 COMPULSORY ATTENDANCE.

Subdivision 1. Ages and term. Every child between seven and 16 years of age shall attend a public school, or a private school, during the entire time that the school is in session during any school year. No child shall be required to attend a public school more than 200 days or their equivalent, during any school year.

Subd. 2. School. A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) which is in session each school year for at least 175 days or their equivalent: provided that in a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein from September 1 through October 1.

Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262.

Subd. 3. Legitimate exemptions. A parent, guardian, or other person having control of a child may apply to a school district to have the child exempted from attendance for a whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of such board:

(1) That the child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(2) That the child has already completed the studies ordinarily required in the tenth grade; or

(3) That it is the wish of the parent, guardian, or other person having control of the child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction shall be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, shall be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Subd. 4. Issuing and reporting excuses. The clerk or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish.

History: Ex1959 c 71 art 1 s 10 subds 2,3; 1965 c 567 s 1; 1967 c 82 s 1; 1969 c 161 s 1; 1974 c 326 s 1; 1975 c 162 s 3; 1977 c 306 s 14; 1977 c 447 art 7 s 2,3; 1978 c 616 s 2; 1978 c 706 s 1; 1980 c 609 art 3 s 2

120.11 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

120.11 SCHOOL BOARDS AND TEACHERS, DUTIES.

It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children between six and 16 years of age, with excuses, if any, granted in such district, to the superintendent or principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal shall provide the teachers in
school year following the effective date of this act, any child who will attain the age of six (6) years on or before the first day of January, shall be eligible to enter in every school district which has heretofore adopted the subsection (e) shall not apply in any school year following the effective date of this act, any child who will attain the age of six (6) years on or before the first day of December, shall be eligible to enter first grade; in the third school year following the effective date of this act, any child who will attain the age of six (6) years on or before the first day of November, shall be eligible to enter first grade; in the fourth school year following the effective date of this act, any child who will attain the age of six (6) years on or before the first day of October, shall be eligible to enter kindergarten; Provided, That the provisions of this subsection (c) shall not apply in any school district which has heretofore adopted the date of September 1 for establishing eligibility for entrance to first grade; (d) in districts maintaining free kindergartens, any child who will attain the age of five (5) years on or before the first day of September of any school year shall be eligible to enter such kindergarten, except as herein otherwise provided; (e) each school year following the effective date of this act, any child who will attain the age of five (5) years on or before the first day of January shall be eligible to enter kindergarten; in the second school year following the effective date of this act, any child who will attain the age of five (5) years on or before the first day of December shall be eligible to enter kindergarten; in the third school year following the effective date of this act, any child who will attain the age of five (5) years on or before the first day of November shall be eligible to enter kindergarten; in the fourth school year following the effective date of this act, any child shall be eligible to enter kindergarten; Provided, That the provisions of this subsection (e) shall not apply in any school district which has heretofore adopted the date of September 1 for establishing eligibility for entrance to first grade.

Section 1. Ordinarily residence of (a) child, residents of (b) school district; authority of boards of education. (c) Child attending public school in any school district, maintenance and operation of district; public and private schools; (d) When a recognized church or denomination; (e) The organization of the school district; authority of boards of education. The board of education of each school district may cause an annual census to be taken of the school pupils from white pupils. In case of children living in the public or private schools, it shall be the duty of the school board of each school district to maintain two schoolhouses and designate attendance areas. Webb v. School District, 167 K. 395, 296, 206 P.2d 1096.

Section 2. Compulsory school attendance; exemptions. (a) Every parent, guardian, or other person in the state of Kansas, having control or charge of any child who has reached the age of seven years and is under the age of sixteen years, shall be required such child to attend continuously each school year (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, or (b) a private, denominational or parochial school; provided by an competent instructor for a period of time which is substantially equivalent to the period of time of attendance in the school district in which the child is likely to assume in later years;

(b) Acceptable learning activities, for the purposes of this subsection, shall include, parent (or guardian)-supervised projects in agriculture and home-making, work-study programs in cooperation with local business and industry, and instruction from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(c) At least fifteen hours per week of classroom work shall be provided, at which time students shall be required to write in their learning activities which are necessary, and provide necessary assignments and instruction for such students;

(d) Regular attendance reports shall be filed as required by law, and students shall attend school at the request of the teacher on which they have not completed the prescribed minimum of five hours of learning activities;

(e) The teacher shall keep complete records concerning instruction provided, assignments made, and work pursued by the students, and these records shall be filed on the day of the week in which the church or religious denomination, a regularly supervised program of instruction which is approved by the board of education for children of compulsory school attendance age who have successfully completed the eighth grade, participate in such a program of instruction by children who have successfully completed the eighth grade;

(f) The teacher shall be capable of performing competently the functions entrusted to the teacher;

(1) In applying for approval under this
subsection a recognized church or religious denomination shall certify its objection to any regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the terms of instruction in the faith which it intends to provide, and such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall, after a written warning has been served and a period of three weeks allowed for compliance, rescind approval of the programs, even though the two year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

History: L. 1974, ch. 153, § 1; L. 1903, ch. 423, § 1; L. 1919, ch. 272, § 1; L. 1923, ch. 182, § 1; R.S. 1923, ch. 72-4801; L. 1965, ch. 409, § 1; L. 1968, ch. 356, § 1; L. 1956, ch. 316, § 1; L. 1976, ch. 310, § 1; L. 1980, ch. 217, § 3; L. 1971, § 1.

Revisor's Note:
Section transferred from 72-4801.

Research and Practice Aids:
Schools and School Districts-160
Hatch's Digest, School Districts § 91
C.J.S. Schools and School Districts §§ 463 to 470.

Law Review and Bar Journal References:

CASE ANNOTATIONS
Annot. 1 L. 1903, ch. 423, § 1:
1. School attended by pupils attending religious school and the parents of such pupils as a faith and the members of the faith object to regular public high school education. Doelling Morris. 227 N.W. 2d 207, 209 (1974).

72-1112.


72-1113. Compulsory school attendance; reporting noncompliance; definition of "truant," "inexcusably absent," applicability of act. (a) Each board of education shall specify a period of time with the provisions of this act shall apply to both public and nonpublic schools. The provisions of this act shall be sufficient for the purposes of this section. (5) or more years of status. The student shall be considered as a truant. (a) Each board of education shall adopt rules for the school attendance of such child. (d) Each board of education shall adopt rules for determining if such child is a truant. (e) A board of education shall designate one or more employees, who shall be responsible for determining the absence of children, such that such a designation is responsible for such determination for each child enrolled in school.

(f) As used in this section "board of education" means the board of education of such school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.


72-1114. Authorization for school district self-evaluation effort; limitations. The board of education of any school district may make a self-evaluation on a districtwide basis in accordance with the compulsory education law. Whenever any self-evaluation is completed or the school district, the same shall be submitted to the board of education of such school district for a period of five years from the date of such report. The self-evaluation shall be sufficient for the purposes of this act. The self-evaluation shall be sufficient for the purposes of this act.

History: L. 1927, ch. 252, § 1; L. 1943, ch. 248, § 43; June 30.

72-1203. Hearing testing programs; definitions. As used in this act: (a) "School" means the board of education of any school district or the governing authority of any nonpublic accredited school. (b) "School" means all elementary and secondary schools accredited by the state board of education.

History: L. 1927, ch. 252, § 2; L. 1943, ch. 248, § 43; June 30.

72-1204. Hearing testing programs; definitions. As used in this act: (a) "School hearing screening" means a hearing testing program for each child conducted with a calibrated audiometer.

History: L. 1969, ch. 306, § 1; L. 1971, ch. 102, § 2; R.S. 1923, ch. 72-1201.

72-1205. Free: tests; who performs tests; reports provided. Each school board shall provide basic hearing screening services to every pupil in its school district without charge to every pupil in its school district during the first year of admission and thereafter.
§ 18-7A-35a. Prior service credit for former members of the state teachers retirement system employed in a non-teaching capacity.

Any former member of the state teachers retirement system who was employed as a regular full-time employee in a non-teaching capacity by a board of education, school principal or school administrator, prior to the time he became eligible for membership in the state teachers retirement system, shall be eligible for prior service credit for such service. Upon making application to the retirement board and providing satisfactory evidence, prior service credit shall be granted and his retirement allowance shall be recomputed and adjusted to include such prior service credit. Any increased retirement allowance resulting from the provisions of this section shall not be retroactive. (1975, c. 196.)

ARTICLE 8.

COMPULSORY SCHOOL ATTENDANCE.

§ 18-8-1. Commencement and termination of compulsory school attendance; exceptions.

Compulsory school attendance shall begin with the seventh birthday and continue until the sixteenth birthday.

Exemption from the foregoing requirements of compulsory public school attendance shall be made on behalf of any child for the following causes or conditions, each such cause or condition being subject to confirmation by the attendance authority of the county:

Exemption A. Instruction in a private, parochial or other approved school. — Such instruction shall be in a school approved by the county board of education and for a time equal to the school term of the county for the year. In all such schools it shall be the duty of the principal or other person in control, upon the request of the county superintendent of schools, to furnish to the county board of education such information and records as may be required with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years;

Exemption B. Instruction in home or other approved place. — Such instruction shall be in the home of such child or children or at some other place approved by the county board of education and for a time equal to the school term of the county. The instruction in such cases shall be conducted by a person or persons who, in the judgment of the county superintendent and county board of education, are qualified to give instruction in subjects required to be taught in the free elementary schools of the State. It shall be the duty of the person or persons giving the instruction, upon request of the county superintendent, to furnish to the county board of education, such information and records as may be required from time to time with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years receiving such instruction;

Exemption C. Physical or mental incapacity. — Physical or mental incapacity shall consist of incapacity for school attendance and the performance of school work. In all cases of prolonged absence from school due to incapacity of the child to attend, the written statement of a licensed physician or authorized school nurse shall be required under the provisions of this article;

Exemption D. Residence more than two miles from school or school bus route. — The distance of residence from a school, or school bus route providing free transportation, shall be reckoned by the shortest practicable road or path, which contemplates travel through fields by right of permission from the landholders or their agents. It shall be the duty of the county board of education, subject to written consent of landholders, or their agents, to provide and maintain safe foot bridges across streams off the public highways where such are required for the safety and welfare of pupils, whose mode of travel from home to school or to school bus route must necessarily be other than along the public highway in order for said road or path to be not over two miles from home to school or to school bus providing free transportation;

Exemption E. Hazardous conditions. — Conditions rendering school attendance impossible or hazardous to the life, health, or safety of the child;

Exemption F. High school graduation. — Such exemption shall consist of regular graduation from a standard senior high school;

Exemption G. Granting work permits. — The county superintendent may, after due investigation, grant work permits to youths under sixteen years of age, subject to state and federal labor laws and regulations: Provided, that a work permit may not be granted on behalf of any youth of normal intelligence who has not completed the eighth grade of school;
§ 18-8-1

EDUCATION

Exemption H. Serious illness or death in the immediate family of the pupil. — It is expected that the county attendance director will ascertain the facts in all cases of such absence with which information is inadequate and report same to the county superintendent of schools;

Exemption I. Destitution in the home. — Exemption based on a condition of destitution in the home may be granted only upon the written recommendation of the county attendance director to the county superintendent, following careful investigation of the case. A copy of the report confirming such condition and school exemption shall be placed with the county director of public assistance. This enactment contemplates every reasonable effort that may properly be taken on the part of both school and public assistance authorities for the relief of home condition officially recognized as being so destitute as to deprive children of the privilege of school attendance. Exemption for this cause shall not be allowed when such destitution is relieved through public or private means;

Exemption J. Church ordinances: observances of regular church ordinances. — The county board of education may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children: Provided, however, that such exemption shall be subject to the rules and regulations prescribed by the county superintendent and approved by the county board of education.

The completion of the eighth grade shall not exempt any child under sixteen years of age from the compulsory attendance provision of this article: Provided, that there is a public high school or other public school of advanced grades or a school bus providing free transportation to any such school the route of which is within two miles of the child's home by the shortest practicable route or path as hereinbefore specified under exemption D of this section. (1897, c. 98, § 1939; 1903, c. 26, § 10; 1908, c. 27, § 72; 1913, c. 2, § 122; Code 1923, c. 45, § 122; 1939, c. 48, § 1; 1951, c. 80.)

ALR references. — Extent of legislative power with respect to attendance, 39 ALR 477; 53 ALR 832.

Releasing public school pupils from attendance for purposes of attending religious education classes, 197 ALR 1972, 2 ALR 2d 1401.

What constitutes "private school" within statute making attendance at such a school compliance with compulsory school attendance law, 14 ALR 2d 1369.

Expenditure of public funds to promote education. — While the compulsory school attendance statutes relate to children in the designated age range, it is a well-established legal principle that the promotion, at public expense, of education beyond the age of sixteen and even in colleges and universities is regarded as fulfillment of a public purpose, to promote the public welfare, and that expenditure of public funds for such purposes is proper. State ex rel. Hughes v. Board of Educ., 154 W. Va. 107, 174 S.E.2d 711 (1970); dismissed, 403 U.S. 944, 91 S. Ct. 2274, 29 L. Ed. 2d 854 (1971).


This section should be strictly construed against the State. Op. Att'y Gen., Nov. 26, 1973.

Because the compulsory school attendance law is a penal statute, and matters involving penal statutes are construed strictly against the State, Op. Att'y Gen., Nov. 26, 1973.

This section changes the common-law rule with respect to emancipation (i.e., termination of guardianships) of married minors. Op. Att'y Gen., Nov. 26, 1973.

And with respect to school attendance. — By enacting the compulsory school attendance law, the State of West Virginia has asserted an interest in the education of its citizens, and in the process has changed the common law, which, of course, did not require attendance at school. Op. Att'y Gen., Nov. 26, 1973.

§ 18-8-2. Offenses; penalties; cost of prosecution.

Any person who, after due notice has been served upon him as hereinafter provided, shall fail to cause a child or children in his legal or actual charge to attend school as hereinbefore provided, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than three nor more than twenty dollars together with the costs of prosecution, or confined in jail not less than five nor more than twenty days. Every day a child is out of school contrary to the provisions of this article shall constitute a separate offense. Justices of the peace shall have jurisdiction of offenses under this section.

Whenever a person accused of violating any of the provisions of this article has been tried and acquitted, the cost of prosecution shall be paid by the county board of education out of the maintenance fund of the county. (1897, c. 98, § 10a; 1903, c. 26, § 10a; 1908, c. 27, § 72; 1919, c. 2, § 122; Code 1923, c. 45, § 122; 1939, c. 48, § 1; 1951, c. 80.)

Prosecution. — If the parents of school age children fail to keep them in school, they should be prosecuted by the prosecuting attorney of the county in which they live. 45 Op. Att'y Gen. 327 (1950).

§ 18-8-3. Appointment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.

The county board of education of every county shall, not later than August first of each year, appoint a county director of school attendance and such assistant attendance directors, as deemed necessary. Such persons shall have the written recommendation of the county superintendent.

The county board of education may set up such special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the state board of education relating thereto: Provided, that those persons who served as attendance directors or assistant directors during the school year (one thousand nine
§ 79-201 Compulsory education; attendance required: length of school term. Every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources, to be dissolved or for any other reason, the period of the school term shall be adjusted accordingly.


79-201.02 Year-round operation of public schools: may convert. Commencing July 1, 1974, any public school district in this state may convert to year-round operation under the provisions of sections 79-201.01 to 79-201.09.


79-201.03 Year-round operation of public schools: State Board of Education: approve. No public school district shall convert to a year-round operation without obtaining approval therefor by the State Board of Education based upon a determination that the plans therefor comply with the provisions of sections 79-201.01 to 79-201.09 and the rules and regulations adopted by the State Board of Education pursuant thereto.


79-201.04 Year-round operation of public schools: feasibility: board of education study. The board of education of any school district proposing to convert to a year-round operation shall study the feasibility thereof and prepare a plan of operation and submit the results of such study and plan to the State Board of Education.


79-201.05 Year-round operation of public schools: feasibility study: contents. Such feasibility study shall be conducted pursuant to rules and regulations of the State Board of Education. Such study shall take into account (1) the present and projected enrollment of the district as a whole and for each grade actually taught, (2) the extent of utilization of existing schoolhouses and other school facilities, (3) the savings of future construction costs that would result from year-round operation, (4) the problems of school staffing that might result, (5) the
Every child actually resident in the state shall be amenable to the laws relating to compulsory education, and neither he nor the person in charge of him shall be excused from the operation of said sections or the penalties under them on the ground that the child’s residence is seasonal, that the parent is a resident of another state, or that the child has attended school for the legal period in another state.

Every parent of any child of compulsory school age who is not employed under an age and school attendance certificate must send such child to a school or a special education program that conforms to the minimum standards prescribed by the state board of education, for the full time the school or program attendance is in session, which shall not be less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term and continue for one week of the date on which the child begins to reside in the district or within one week after his withdrawal from employment.

The superintendent of schools of the city, county, village school district in which the child resides may require such child to attend school or a special education program during such period; this fact is certified in writing by a licensed physician, a licensed psychologist, or a certified special education psychologist, and is published in the school directory and in the proceedings of the state board of education.

For an analogous section, see former GC § 4742.40, 108-S 376, 111-S 45.

Cross-References to Related Sections

The state board of education of each school district in which the child resides may excuse such child from attendance for the period of the current school year upon satisfactory showing of either of the following facts:

1. A legally or mentally disabled child who is receiving education or training in an educational facility or program for the educationally disabled child.

2. A pupil who is excused from school attendance by his parents or legal guardians who are unable to provide for his education due to unforeseen circumstances.

For an analogous section, see former GC § 4742.40, 108-S 376, 111-S 45.

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The purpose of operating a school or program on a trimester plan, "full time the school attends in session," is that the child attends school for the full term of the school year in session. In this section, the term "full time" means that the child is assigned by the board of education. For the purpose of operating a school or program on a quarterly plan, "full time the school is in session," is that the child attends school for the full term of the school year in session. In this section, the term "full time" means that the child is assigned by the board of education.

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For an analogous section, see former GC § 4742.40, 108-S 376, 111-S 45.
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**PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.**

Comments:
BOARD OF PUBLIC EDUCATION - Board is responsible for determining whether private institutions' instructional programs satisfy requirements of law;
EDUCATION - "Private institutions" do not include parents who teach their children at home;
1972 MONTANA CONSTITUTION - Article 10, sections 1 and 6.

HELD: 1. The "private institution" exception to Montana's compulsory attendance law does not apply to a parent who teaches his children at home.
2. Teachers at "private institutions" need not hold Montana teaching certificates.

3. The Board of Public Education is responsible for determining whether a private institution provides instruction in the program the Board prescribes pursuant to section 20-7-111, MCA.

7 August 1980

Willis M. McKeon, Esq.
Phillips County Attorney
Phillips County Courthouse
Malta, Montana 59538

Dear Mr. McKeon:

You have requested my opinion concerning a number of questions related to the "private institution" exception to Montana's compulsory school attendance law. I have summarized your questions and stated them in the following form:

1. Does the "private institution" exception to Montana's compulsory school attendance law apply to a parent who teaches his children at home?

2. Must teachers at "private institutions" hold Montana teaching certificates?

3. Who is responsible for determining whether "private institutions" in Montana provide instruction in the program prescribed by the Board of Public Education?

Neither the specific questions you have asked nor the particular facts out of which they arise suggest any conflict between compulsory school attendance and freedom of religion. However, consideration of that factor is essential in addressing this area of the law in light of the fact that most private educational institutions are established by religious groups.

Your questions should first be viewed against the backdrop of the applicable provisions of the Constitution of the State of Montana. Montana Constitution, article 10, sections 1 and 6 provide:
Section 1. Educational goals and duties.

(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 6. Aid prohibited to sectarian schools.

(1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect or denomination.

(2) This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to non-public education.

It is important to note at the outset that the Constitution recognizes the state's legitimate interest in the education of its citizens. At the same time, the Constitution implicitly recognizes the existence and legitimacy of private sectarian schools.

As the United States Supreme Court noted in Brown v. Board of Education, 347 U.S. 483, 493 (1954), "[i]n these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." To further the goal of developing the full
educational potential of each person, the Legislature enacted Montana's compulsory attendance law, section 20-5-103, MCA, which provides:

(1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to attend the school in which he is enrolled for the school term and each school day therein prescribed by the trustees of the district until the later of the following dates:
   (a) the child's 16th birthday;
   (b) the date of completion of the work of the 8th grade.

(2) The provisions of subsection (1) do not apply in the following cases:
   (a) The child has been excused under one of the conditions specified in 20-5-102.
   (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
   (c) The child has been suspended or expelled under the provisions of 20-5-202.

(Emphasis added.)

According to section 20-5-102, MCA, a child may be excused from the operation of the compulsory attendance law if the child is:

(a) enrolled in a private institution which provides instruction in the program prescribed by the board of public education pursuant to 20-7-111;
(b) enrolled in a school of another district or state under any of the tuition provisions of this title;
(c) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;
(d) excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this title;
(e) excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child; or

(f) excused by the board of trustees upon a determination that such attendance by a child who has attained the age of 16 is not in the best interest of the child and the school.

(Emphasis added.)

The term "private institution" is not defined in conjunction with the "private institution" exception. Therefore, a brief look at the history of the compulsory attendance law is necessary in order to shed some light on what was contemplated by the Legislature when it provided for the "private institution" exception.

Prior to the turn of the century, section 1920, Montana Codes Annotated 1895, provided:

Every parent, guardian or other person in the state of Montana, having control of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school, or private school taught by a competent instructor, for a period of at least twelve weeks in each year, six weeks of which time shall be consecutive; PROVIDED, That such parent, guardian or other person having control of such child or children shall be excused from such duty by the school board of the district wherever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons exist therefor, to-wit:

1. That such child is taught at home by a competent instructor in such branches as are usually taught in the public schools.

2. That such child has already acquired the branches of learning taught in the public schools.

3. That such parent, guardian or other person is not able by reason of poverty, to properly clothe such child.

4. That such child is in such a physical or mental condition (as declared by a competent physician, if required by the board) to render such attendance inexpedient or impracticable.
5. That there is no school taught the requisite length of time within two and one-half miles of the residence of such child by the nearest traveled road; PROVIDED, That no child shall be refused admission to any public school on account of race or color.

(Emphasis Added.)

Section 1920 was amended in 1903 to include specific subjects in which children were to be instructed. The reference to home study was made even more explicit by the mandatory language. The law then provided in pertinent part:

All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography, physiology and hygiene, and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school,...unless the child is excused from such attendance...upon satisfactory showing ...that the child is being instructed at home.

1903 Mont. Laws. ch. 45, § 1.

The law remained in substantially that form until 1971, when the law underwent extensive revision. 1971 Mont. Laws, ch. 5. At that time the express provision for home instruction was eliminated. The rejection of the home instruction exception in the 1971 laws buttressed by the use of the term "private institution" in the new statutory scheme leads to the conclusion that the "private institution" exception to Montana's compulsory school attendance law does not apply to a parent who teaches his children at home. Cases from other jurisdictions support this conclusion.

In State v. Hoyt, 84 N.H. 38, 146 A. 170 (1929), the Supreme Court of New Hampshire addressed the rationale underlying the state's interest in compulsory attendance at public or private institutions:

Education in public schools is considered by many to furnish desireable and even essential training for citizenship, apart from that gained by the study of books. The association with those of
all classes of society, at an early age and upon a common level, is not unreasonably urged as a preparation for discharging the duties of a citizen. The object of our school laws is not only to protect the state from the consequences of ignorance, but also to guard against the dangers of "incompetent citizenship."

In State v. Counort, 69 Wash. 361, 124 P. 910 (1912), the supreme court of Washington, addressing the definition of "private school" stated:

We do not think that the giving of instruction by a parent to a child, conceding the competency of the parent to fully instruct the child in all that is taught in the public schools, is within the meaning of the law "to attend a private school." Such a requirement means more than home instruction. It means the same character of school as the public school, a regular, organized and existing institution, making a business of instructing children of school age in the required study and for the full time required by the laws of this state.

In Board of Education of Central School District No. 1 v. Allen, 392 U.S. 236, 245 (1968), the United States Supreme Court noted:

[a] substantial body of case law has confirmed the power of the states to insist that attendance at private schools, if it is to satisfy state compulsory-attendance laws, be at institutions which provide minimum hours of instruction, employ teachers of specified training, and cover prescribed subjects of instruction. Indeed, the state's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory education statutes. These cases were a sensible corollary of Pierce v. Society of Sisters: if the State must satisfy its interest in secular education through the instrument of private schools, it has a proper interest in the manner in which those schools perform their secular educational function.
Consistent with these interpretations, then, I conclude that a parent cannot comply with the compulsory attendance law by simply teaching his or her child at home.

With respect to your second question, section 20-4-101(1), MCA, provides:

In order to establish a uniform system of quality education and to ensure the maintenance of professional standards, a system of teacher and specialist certification shall be established and maintained under the provisions of this title and no person shall be permitted to teach in the public schools of the state until he has obtained a teacher certificate or specialist certificate or the district has obtained an emergency authorization of employment from the state.

This statute applies exclusively to persons wishing to teach in public schools. While recent decisions of the United States Supreme Court indicate that the state's interest in education is such that the state can impose reasonable regulations on private schools, the Montana Legislature has not addressed the minimum qualifications of those who teach in private schools. Therefore, at the present time, teachers at "private institutions" need not hold Montana teaching certificates.

Your final question arises because of the requirement that "private institutions," in order to qualify for the exception to the compulsory attendance law, must provide "instruction in the program prescribed by the board of public education." Because the Board of Public Education prescribes the program of instruction referred to in the statute, private institutions are entitled to a determination by the Board as to whether their particular program complies. Therefore, the Board of Public Education may review programs which may be submitted to them annually by private institutions, to determine whether they comply with the board's requirements and issue a statement to those institutions that are in compliance. However, this review may not impose teacher certification requirements upon teachers, librarians, and guidance counselors. An institution which does not obtain a statement of compliance from the board may seek judicial review or present its justification in court during the course of the proceedings initiated by an attendance officer when he finds a child who is not enrolled in an appropriate institution.
If the attendance officer, provided for in section 20-5-104, MCA, discovers that a child subject to compulsory attendance is not enrolled in a school providing the required instruction and has not been excused under the provisions of Title 20, MCA, he must "notify in writing the parent, guardian, or other person responsible for the care of the child that the continued truancy or nonenrollment of his child shall result in his prosecution...." "If the child is not enrolled and in attendance at a school or excused from school within 2 days after the receipt of the notice, the attendance officer shall file a complaint against such person in a court of competent jurisdiction." § 20-5-106(1), MCA.

Throughout the investigation and research of your request, I have found a great deal of concern on the part of parents and educators alike about the state's role in insuring the quality of "private institutions." What I have attempted to do in this opinion, absent any controlling decisions from our Supreme Court in this area, is demonstrate how courts from other jurisdictions and the United States Supreme Court have in the past interpreted language similar to that found in our statutes. However, a great many questions remain unanswered. These include constitutional questions regarding the extent to which states may impose requirements on private educational institutions. See Wisconsin v. Yoder, 406 U.S. 205 (1972). They are questions that should be addressed by the Legislature.

Insofar as this opinion has clarified the current state of the law, its effect should be prospective and it should not be used to penalize parents who in good faith may have relied on interpretations of the law from other sources and may in the future wish to return their children to the public school system.

THEREFORE, IT IS MY OPINION:

1. The "private institution" exception to Montana's compulsory attendance law does not apply to a parent who teaches his children at home.

2. Teachers at "private institutions" need not hold Montana teaching certificates.

3. The Board of Public Education is responsible for determining whether a private institution provides instruction in the program the board prescribes pursuant to section 20-7-111, MCA.
A SUMMARY OF SELECTED COURT CASES AND STATE LAWS
CONCERNING
SCHOOL ATTENDANCE

I. UNITED STATES SUPREME COURT DECISIONS

1925 Pierce v. Society of Sisters (268 U.S. 510)
Oregon law requiring compulsory attendance at public schools, with
no exceptions for private schools, was held unconstitutional as an
unreasonable interference with parents' right to direct the
upbringing of their children.

COMMENT: The Court's opinion states (at page 534) "No question is
raised concerning the power of the State reasonably to regulate
all schools, to inspect, supervise and examine them, their
teachers and pupils; to require that all children of proper age
attend some school..."

1972 Wisconsin v. Yoder (406 U.S. 205)
Wisconsin law requiring attendance at public or private schools
through the age of 16 was held unconstitutional as applied to Old
World Amish children who had graduated from 8th grade.

COMMENT: The Court stressed that the Old World Amish had a
history of three centuries as an identifiable religious sect and a
long history as a successful and self-sufficient segment of
American society; thus, the Amish had "convincingly demonstrated
the sincerity of their religious beliefs...and the adequacy of
their alternative mode of continuing informal vocational
education." The Court went on to state (at page 236): "Nothing
we hold is intended to undermine the general applicability of the
State's compulsory attendance statutes....There is no basis for
assuming that...reasonable standards cannot be established
concerning the content of the continuing vocational education of
Amish children under parental guidance, provided always that state
regulations are not inconsistent with what we have said in this
opinion."

II. RECENT STATE AND FEDERAL COURT DECISIONS

MICH Hanson v. Cushman (490 Fed. Supp. 109)
1980
Michigan law requiring attendance at a public school or at a
non-public school that followed a curriculum comparable to that of
a public school, that employed certified teachers, and that was
approved by the State, was upheld.

COMMENT: Although the parents argued that their curriculum was
superior to that of the public schools, the Court said that it
would be too difficult for the State to examine and supervise a
host of facilities and individuals who might undertake to instruct
their children at home without certification.

1980
Michigan compulsory school attendance law, permitting home schools
so long as certified teachers were employed, was not violated
where a home school teacher had completed all requirements
essential to state certification but had refused to obtain the
certificate for religious reasons.
OHIO State v. Whisner (351 N.E. 2d 750) 1976
Ohio Board of Education's regulations applicable to private schools were so detailed (including a regulation requiring that a certain percentage of the day be spent on certain subjects) that compliance with each and every standard effectively eradicated the distinction between public and private education. The Court found the regulations unconstitutional.

NEBR State v. Faith Baptist Church (301 N.W. 2d 571) 1981
Nebraska law and regulations requiring that any non-public schools must get state approval of curriculum, of length of school day and year, of health and safety conditions, and of qualifications of teachers, was upheld.

COMMENT: Faith Christian School, which used the Accelerated Christian Education curriculum, and believed that the Bible mandated religious teaching rather than the secular humanism of the public schools, argued that the right to religious freedom should permit them to be excused from the State's compulsory education laws under the holding in Wisconsin v. Yoder. The Court stated (on pages 579-580): "The cases we have cited from the Supreme Court of the U.S. should leave no doubt as to the critical interest which the State has in the quality of education provided to its youth. Although parents have a right to send their children to schools other than public institutions, they do not have the right to be completely unfettered by reasonable government regulations as to the quality of the education furnished. The refusal of the defendants to comply with compulsory education laws as applied in this case is an arbitrary and unreasonable attempt to thwart the legitimate, reasonable, and compelling interest of the State in carrying out its educational obligations, under a claim of religious freedom."

NO. State v. Shaver (294 N.W. 2d 883) DAK. 1980
North Dakota law requiring attendance at a public school or at a state-approved non-public school that hired certified teachers was upheld.

COMMENT: Bible Baptist Church School, which used the Accelerated Christian Education curriculum, and which hired non-certified teachers, argued that the Bible ordered parents to educate their children in Christian schools and that their children did better on standardized tests than did children taught in the public schools. The Court stated (at page 900): "Although North Dakota's minimal requirement for state approval of a private or parochial school may be imperfect, without the regulations the State would have no reasonable assurance that its recognized interest in providing an education for its youth is being protected."

WEST State v. Riddle (285 S.E. 2d 359) VA. 1981
West Virginia laws and regulations, which permitted home schooling if approved by the County Board of Education, and which required that home schools furnish information to the county boards concerning attendance and performance of pupils, was upheld.

COMMENT: Biblical Christians, whose home-teaching record was excellent, argued that the holding in Wisconsin v. Yoder should excuse them from the state's law and regulations. The Court noted: "We find it inconceivable that in the twentieth century the free exercise clause of the 1st Amendment implies that children can lawfully be sequestered at home on a rural homestead during
all of their formative years to be released upon the world only after their opportunities to acquire basic skills have been foreclosed and their capacity to cope with modern society has been undermined as to prohibit useful, happy, or productive lives.

III. LAWS CONCERNING SCHOOL ATTENDANCE IN STATES CONTIGUOUS TO MONTANA

IDAHO

Parent or guardian shall cause children between the ages of 7 and 16 to be instructed in subjects commonly taught in the public schools. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees of the school district in which the child resides, the child shall attend a public, private, or parochial school during a period in each year equal to that in which the public schools are in session. (Idaho Code, §33-202, 1981).

NORTH DAKOTA

Parent or guardian shall send child between ages of 7 and 16 to a public school. (N. D. Cent. Code, §15-34.1-01, 1981). Exceptions are made for attendance for the same length of time at a parochial or private school approved by county superintendent. (N. D. Cent. Code, §15-34.1-03, 1981).

SOUTH DAKOTA

Children between ages of 7 and 16 must be sent to public or nonpublic elementary school. (S. D. Compiled Laws Ann., §13-27-1, supp. 1981). A child may be excused from school attendance, if provided, for the same length of time, with competent alternative instruction in the basic skills of language arts and math. The parent or guardian shall identify in the application where and by whom the child shall be instructed. No instructor need be certified, but may not instruct more than 22 children. All instruction shall lead to a mastery of the English language. The child so instructed shall annually take the same nationally standardized achievement test of the basic skills as is used in the public school district where the child is instructed. The superintendent of elementary or secondary education or his designee may visit and observe the child's alternative instruction twice in any school year. (S. D. Compiled Laws Ann., §13-27-3, supp. 1981).

WYOMING

Parent or guardian shall send children between the ages of 7 and 16 to a public or private school, unless the child has been legally excluded through suspension or expulsion. (Wyo. Stat., §21-4-102, 1977).
My name is Merv Finstad. I am currently serving as President of the Montana Association of Elementary School Principals. I am a graduate of an accredited church - affiliated high school. I just completed a three year term as chairman of the Board of Deacons of First Baptist church in Helena.

I strongly support Senate Bill 253.

As a resident of this State I believe every child is to be guaranteed under the constitution a basic quality education. I believe this is regardless of whether they attend a public or non-public school. Most private schools who want well-prepared students entering the job market or continuing their education at Vo-techs or colleges are anxious to see that their students are well-prepared.

However, some private schools under the guises of religious freedom, do not want to recognize any state authority in pursuing their educational programs. But in our State all citizens have a legitimate interest in the welfare of all of God's children. No one is seeking to deny private schools the right to pursue religious freedom or instruction. I was pleased that I had the opportunity in high school for a daily chapel period and religious instruction but am also thankful that my private school was accredited and prepared me for college.

It is those schools calling themselves "church ministries" or parents who believe that they have been led by a higher power to teach their children where problems will appear. Educators spend at least four years preparing themselves and learning about pedagogical techniques. But there are those private school advocates who believe because they were once a student that this qualifies them to teach children. This is sheer mockery and is no different than me feeling prepared to be a pastor of a church because I read the Bible. Beware that "Whatsoever a man soweth that shall he also reap" and I believe this applies specifically to the education of our states children. There are those private school advocates who are leading their fellow citizens down a rocky road where many times the public school is forced to pick up the pieces when things have gone awry in the private schools and then these children return to our public schools.
I am fearful that without some state scrutiny; similar tragic experiences may be repeated as was evident with the "River of Life Tabernacle" where a young boy died needlessly in eastern Montana.

The new section in S. B. 253 deals with basic tenents of quality education that should be afforded all Montana children. For example - 180 pupil instruction days, employing administrators and teachers who are certified to teach in any state, providing evidence that the instruction is at least equivalent to the program prescribed by the Board of Public Education, etc.

I believe in the separation of church and state and the right of private schools to pursue their religious beliefs. The state educational authorities only want what academically is best for our states most precious natural resource - our children.

I believe proponents of Christian or non-public schools have forgotten one of the basic teachings of the Bible which is that Christians are to respect and obey the government. In taking an arrogant, self-righteous position, the supporters of some Christian schools not only reproach the Bible, but in someways insult those who work in public schools and state agencies. I believe the public school system does work and I believe the private school system can work when we work together to insure a quality educational program for all our children.

I urge passage of S.B. 253.

Thank you
Exhibit #5
February 2, 1983

WITNESS STATEMENT

NAME: Larry Stollfuss

ADDRESS: Box 487, Fort Benton, Montana

DATE: 2/2/83

WHOM DO YOU REPRESENT: Montana Association of County School Superintendents

SUPPORT: yes

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Attached.
Senate Bill 253
Witness Statement
Larry Stollfuss
Chouteau County Superintendent of Schools
Box 487    Fort Benton, Montana

Honorable Committee Members

You have heard from various County Supt. from around the State. I would like to speak on the behalf of the Montana Association of County School Superintendents.

As an elected official of Chouteau County I have taken as a part of that job the responsibility to uphold the laws of the United States and the State of Montana. We are concerned here today with the compulsory enrollment and attendance codes and how they pertain to the non public schools. This is where the problem arises, a gray area in those codes that does not clearly define what constitutes a non public school and the program that it offers.

In a broader sense we are dealing with the rights of children, all children who reside in Montana. Each child has the right to an education and it must be an education that will be at least equal or above that which they would receive in the public schools. An example that illustrates the point I am making is: Lawyers tell school people that permission slips for various activities are not worth the paper they are written on because a parent cannot sign away the rights of their child. What greater liability could one suffer than that of having a child receive an inadequate education. We are asking for your support of Senate Bill 253 as it will help the County Superintendents do their job in a manner that will benefit all children.

For 95% of the 3rd class districts in the state county superintendents are the attendance officers.

More than 35 home schools are operating in the state at the present time and no one can be sure of the exact number.

There is no workable way to account for these children.

The attorney general has issued an opinion that says the home cannot be a school. We need to address the issue and not the place of instruction.

We need a firm base to stand on when determining whether a school is providing a sound educational program.

Trained and certified personal are the backbone of a good educational program.

We do not want Montana to become the dumping ground for every person who wants to start their own non public school.

Over 40 new schools have opened in Montana is the last 2 years.

The Montana Association of County Superintendents Supports this bill and urges your support of Senate Bill 253 with a do pass recommendation.
Exhibit #6
February 2, 1983

WITNESS STATEMENT

NAME: Marie Elwood  BILL No.: S.B. 253
ADDRESS: 1010 Main Street  DATE: Feb. 2, 1983
WHOM DO YOU REPRESENT: County Superintendents
SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
I am Marie Elwood, County Superintendent of Schools, Custer County, Miles City, Montana testifying on behalf of S.B. 253.

In Custer County there are presently 3 private schools - (1) Sacred Heart Catholic Parochial (2) Baptist Tabernacle Academy and (3) Sunrise Academy, a single family unit that proclaims a private school housed in a trailer across the yard from their dwelling. I am a proponent of the bill but I feel Section 20-5-102 Certification of teachers (2)-(a)-(IV) needs to be strengthened. This section as it presently reads is ambiguous. How does one determine what is "acceptable experience according to clearly defined criteria consistent with the educational goals of the school."?

This section should instead require that persons serving as administrators or teachers meet Montana Certification Standards according to the provisions of MCA 20-4-101.

We have an obligation to provide the best possible education for all children of Montana. No one can go out, hang up a sign and proclaim himself a lawyer. No one can go out, hang up a sign and proclaim himself a doctor.

There is a bill before the legislature asking that those who call themselves dietitians meet state standards.

SURELY THOSE WHO NURTURE CHILDREN'S MINDS OUGHT ALSO TO MEET STATE STANDARDS!

There is open communication between my office and the Sacred Heart Catholic School & the Baptist Tabernacle. I have never been invited to visit the Sunrise Academy. I have walked by the dwelling and trailer. Several dogs are in the yard and a sign is posted - "Beware of Dogs." Our district supl and an elementary principal attempted to visit but did not go past the dogs.
WITNESS STATEMENT

NAME: Jean Drew

ADDRESS: Dawson County-Glenville

WHOM DO YOU REPRESENT: County Dept of Schools

SUPPORT ___ OPPOSE ___ AMEND ___

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There are 3 private schools in Dawson County:
1. Heart Catholic Parish School
2. Valley View Seven Day Adventist Church School
3. Glenville Christian which opened during the past 15 months and is operated in a family home. There may be others that are not known.

I support the provisions of this bill but I believe they need to be strengthened or clarified in some areas.

If the Co-Agnt must review, investigate, and accept or reject a reject statement made by private school here I believe there should be some specific uniform guide lines for us to follow.

We need to be able to visit the schools. We need that standards be used in deciding to accept or reject a private school educational plan.

As far as 253 is concerned I believe there areas need to be more clearly defined.
It is our responsibility to provide an education to all students to help them develop into responsible citizens of tomorrow and to acquire the skills which will enable them to earn a living in a highly competitive job market of the future.
Exhibit #8
Feb. 2, 1983

NAME Charlene Bailey
ADDRESS 418 Mineral Ave, Libby
WHOM DO YOU REPRESENT County Supervisors
SUPPORT

BILNo. 23
DATE 0 Feb. 2, 1983

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

These are the main concerns I voiced in my prepared statement:

1. very careful procedure in curriculum analysis - beyond reading, writing and computing we have little or no right!
2. no need for written contract provision
3. MOST REQUIRE: 1. OFFICIALLY ENROLLED AND 2. OFFICIALLY SUPERVISED ON A 3. CONTINUOUS BASIS BY AN ESTABLISHED CORRESPONDENCE SCHOOL!!!
4. if teachers are acceptable to the school, and children make progress we should require no further certification of teachers
<table>
<thead>
<tr>
<th>FAMILY</th>
<th>REASON</th>
<th>&quot;COURSE&quot;/SCHOOL</th>
<th>HISTORY</th>
<th>PRESENT STATUS</th>
<th>CHILD'S LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>S</td>
<td>religious Alpha Omega (Idaho Inc.)</td>
<td>practically unsupervised by Idaho - unable to afford new lessons</td>
<td>children enrolled in private school - will return in the spring</td>
<td>1 - 2 year below grade level</td>
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<tr>
<td>2.</td>
<td>W</td>
<td>school ruining her &quot;gifted&quot; children</td>
<td>family problems - very, very little done at home</td>
<td>one child in public school here - one in Missoula</td>
<td>close to grade level</td>
</tr>
<tr>
<td></td>
<td></td>
<td>mother developed hodgepodge program</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>K</td>
<td>religious Adventist school affiliation</td>
<td>3 mos of no instruction because couldn't afford new lessons</td>
<td>enrolled &amp; monitored by Adventist school in Libby</td>
<td>above grade level</td>
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<td>4.</td>
<td>L</td>
<td>religious Beka Correspondence (enrolled)</td>
<td>grading and coaching from home office</td>
<td>child still enrolled</td>
<td>grade level</td>
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<td>5.</td>
<td>S</td>
<td>parent-teacher problem &amp; religious</td>
<td>much moving by family - money factor in having all the lessons</td>
<td>left the county</td>
<td>grade level</td>
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<td></td>
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<td>Pace units (Idaho Inc.)</td>
<td></td>
<td></td>
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<tr>
<td>6.</td>
<td>H</td>
<td>religious mother developed hodgepodge program</td>
<td>mother could barely read</td>
<td>left the county</td>
<td>grade level</td>
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<tr>
<td>7.</td>
<td>J</td>
<td>religious Beka (not enrolled)</td>
<td>mother made excellent progress</td>
<td>left the county</td>
<td>grade level or above</td>
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<td>8.</td>
<td>* R</td>
<td>cultural (Indian)</td>
<td>transferred within county after teacher dispute</td>
<td>enrolled public school</td>
<td>one at grade level, one below</td>
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<td></td>
<td>NA</td>
<td></td>
<td></td>
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<tr>
<td>9.</td>
<td>* M</td>
<td>teacher didn't understand her children</td>
<td>enrolled children in public school/problems with discipline</td>
<td>left the county</td>
<td>grade level</td>
</tr>
</tbody>
</table>

* Parents contacted Superintendent concerning options - did not begin instruction in their home
<table>
<thead>
<tr>
<th>FAMILY</th>
<th>REASON</th>
<th>COURSE/SCHOOL</th>
<th>HIST</th>
<th>PRESENT STATUS</th>
<th>LEVEL</th>
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<tr>
<td>S</td>
<td>religious</td>
<td>Our Lady of Victory</td>
<td>bought correspondence</td>
<td>?</td>
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<td>did not maintain contact</td>
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<td>w/school, no records, no</td>
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<td>money for new curriculum</td>
<td></td>
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<tr>
<td>F</td>
<td>school atmosphere</td>
<td>Beka (not enrolled)</td>
<td>course bought - not used</td>
<td>no education</td>
<td>below grade level</td>
</tr>
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<td></td>
<td>too stifling</td>
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<tr>
<td>M</td>
<td>religious</td>
<td>Beka</td>
<td>child still Kindergarten age</td>
<td>?</td>
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<tr>
<td>D</td>
<td>religious &amp;</td>
<td>Pace (Idaho Inc.)</td>
<td>just begun</td>
<td>?</td>
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<td>parent/teacher</td>
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<td>L</td>
<td>parent/teacher</td>
<td>Calvert</td>
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*Parents have contacted Superintendent concerning options -
did not begin instruction in their home
Exhibit #9
Feb. 2, 1983
NAME: Earle Reimer
DATE: 2/2/83

ADDRESS: 2526 Sunset Ln.

PHONE: 549-0482

REPRESENTING WHOM? Assoc. of Non-Public Schools of Montana

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? ✓ AMEND? ___ OPPOSE? ___

COMMENTS: 

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Mr. Chairman and Members of the Senate Education Committee

It is the opinion of the Association of Non-Public Schools of Montana that Senate Bill 253 is a very fair treatment of the relationship between Private education in Montana and the responsibility of the State under the Constitution to assure that each child receive at least a minimum education.

We know the State does not wish to meddle in, interfere with or even regulate non-public education. We also know that the State must take its Constitutional responsibilities seriously. This requires a very fine balance. Each party must exercise utmost respect for the other's concerns. Both the State and the private sector must work in close co-operation with each other. Private schools have the responsibility to assure the State of their intent and commitment to learning. The State must assure Private schools of its commitment to protect their right of freedom from State control. What a superb challenge! What enormous potential for tension, fear and suspicion! Where can that balance be found?

ANSM believes sincerely that S B 253 clearly articulates that balance. With the exception of Section 4, item 3, we support this bill without reservation. There is some thought that that particular item is regulatory in nature and steps beyond the Constitutional responsibility the State has.

In addition ANSM has looked at articulated relationships other States have with their Private schools. We believe S B 253 compares favorably with all those and in fact provides a model for most other States to follow. This sensitive matter calls for mature educational leadership. We commend the State Board of Public Education for providing such leadership in the design of this bill.

Let the record show that the Association of Non-Public School of Montana, representing in excess of 6,000 Montana children, warmly welcomes and supports the co-operation and intent of S B 253.

Sincerely,

Earle Reimer

Representing the Association of Non-Public School of Montana.
Exhibit #10
Feb. 2, 1983

WITNESS STATEMENT

NAME John Franklin
ADDRESS 301 708, Helena, MT
WHOM DO YOU REPRESENT Mt. Catholic Conf.

SUPPORT ☑ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Statement is attached
We recognize, and I'm sure you also recognize, the key role private education has played in the history of our nation and in the State of Montana.

Private schools still play a key role in our educational system.

It will be a sad day if a choice is not available. The free enterprise alternative should be preserved.

We do not feel this bill endangers the existence of the private school system we represent.

Sister Mary Editha Brown, Chairman of our State Education Committee, and Superintendent of Catholic Schools in the Diocese of Great Falls/Billings is unable to be here today and asked me to relay her statement to you.

(statement attached)
Feb. 2, 1983

Sister Mary Editha Brown
Superintendent of Catholic Schools
Diocese of Great Falls/Billings

My name is Sister Mary Editha Brown. I am Superintendent of Catholic Schools in the Diocese of Great Falls/Billings. At present there are a total of 23 Catholic schools in eastern Montana with a total enrollment of approximately 3500 students. Three high schools, grades through 12, and two junior high schools, grades 7 through 9, are now accredited by the State Office of Public Instruction.

It is important that the status of elementary schools be settled. In the past few years the Attorney General's statement that the state is responsible to see that all parents comply with the Compulsory Education Law, has caused anxiety and confusion on the school level, and has demanded an exorbitant allocation of my time in attendance at and participation in meetings dealing with clarification of this matter. It is vital to the cause of private school education that this matter be finalized, so that we can get on with the real responsibility of education.

Therefore, after having personally attended the State Board of Education Meeting and after having participated in discussion as this bill was enunciated, I submit that for the Catholic Schools, the largest single private school system, this bill is acceptable.

I presume that the process for complying with this law will be discussed with private school representatives prior to implementation.
NAME: Al Gunderson  DATE: 2-2-83
ADDRESS: 2101 Lyman -- Beverly
PHONE:  
REPRESENTING WHOM? Bd of Ed  
APPEARING ON WHICH PROPOSAL: SB 253
DO YOU: SUPPORT?  
AMEND?  
OPPOSE?  
COMMENTS: Written testimony prepared

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
The Board of Public Education consists of seven members who are appointed by the Governor to seven year terms. By law, no more than four can be from the same Congressional District or the same political party. Although we have two members on the Board, out of seven, who are involved professionally in education, we are a lay board. Senate Bill 253 originated with our Board. It was not promoted by any special interest group that might benefit by making it more difficult for the private schools to operate. If I represent any constituency as I stand here today, I feel that constituency consists of all of the children of this State who are of school age.

Why is the Board proposing Legislation on this subject? Well, very frankly, the Constitution and statutes place a rather heavy responsibility on the Board with regard to secondary education, both in the public and non-public schools. Section One of Article Ten of our Constitution provides that, "Equality of educational opportunity is guaranteed to each person of the State." Please note that this provision does not limit itself to children in the public school system. It very clearly refers to every person, (or child) in this State.

The statutes then provide that every child shall attend public schools unless they come within one of the exceptions provided in Section 20-5-102 M.C.A. One of the exceptions is that a child does not have to attend public school if he or she is enrolled in a private school that provides a basic instructional program as prescribed by the Board of Public Education. It seems clear that our Board is
responsible for seeing to it that every child, not just public school children, as some would have you believe, but that every child of school age within this State is provided with a basic instructional program. The Board is not complaining about the responsibilities placed on it by the Constitution and the statutes. Most constitutional lawyers agree that the State has a right to require that a child receives a basic instructional program in a safe and healthful environment. The State certainly has an interest that a child learn the language of his country (reading, writing, spelling), its history, geography and form of government, and how to compute. Our society would be in sad shape if people lacked this basic knowledge.

Unfortunately, under the present law the Board has really no way to determine that children in non-public schools are being provided with a basic educational program. The Board has been very concerned about this problem for at least three or four years. New private schools are starting up all over the State. The Reverend Jerry Falwell has stated that there are three new private schools started each day in this country and I can assure you that Montana has its share. No doubt the majority of them are providing an adequate basic instructional program, but the Board has no way to determine compliance.

Our present law does not allow home schools, but it has been fairly easy to get around this prohibition. For instance, in December of 1980, a gentleman in Miles City wrote a letter to the Superintendent of Public Instruction stating he was starting a private school where his own three children would be the only students. He gave the school a name, had some letterhead printed and he was in business. I would like all of you to have a copy of that letter. As indicated by a letter the Board received from the Custer County Attorney, the local authorities did not know how to handle the situation. The questions
asked by this County Attorney in this letter illustrate the confusion that exists.

The Board became aware of many other problems and you have heard about them from other witnesses who have testified today. I would, however, like to tell you about a Billings family that I became aware of through a client of mine who is the grandmother of the children involved. This family has five children, the oldest is now 9 or 10 years of age and there is another of school age a year younger. The parents do not believe in immunization and have strong religious convictions that led them to believe that their children should not go to public school. Unfortunately, they couldn't afford to send them to a private school, so they didn't send them to any school. Finally, this year the grandmother decided that she couldn't stand it any longer and she paid the tuition to send the two school age children to a private school. They now attend a private school in Billings for three or three and one-half hours a day, five days a week. The grandmother has told me that this private school has one teacher for 23 students. She didn't know how many grades that teacher taught. Are these children receiving a basic instructional program? Maybe, but the Board really doesn't know and under present law it is very difficult to find out.

About two years ago the Board did try to remedy the problem by adopting policy giving the County Superintendents and truancy officers certain inspection duties. It has not worked out too well. Many County Attorneys have told us that it is unenforceable under present law. The County Superintendents do not know how far they can go in enforcing our policy. The Board needs help from this Legislature.
I would like to point out that this Bill is a result of a long period of study by the Board. We have met many times with the private school people, representatives of OSPI and the Attorney General's office, and have examined the laws of other states. The Bill before you is a compromise. It would have been much easier to merely require that all schools, public or private, must be accredited and must use certified teachers. But this would have been unacceptable to many private schools.

About ten days ago I was invited to meet with a group of private and home school people in Billings. Some questions came up at that meeting that I would like to address at this time. Some home school people are concerned that the requirement in the proposed law regarding fire and health regulations could impose a serious burden on them. In my opinion, the only health and safety regulation that should apply to a school conducted in a family home would be those that apply to any family home. I would not expect that a family home must comply with fire and safety regulations applicable to public buildings just because it happens to be used for a home school. There has also been some criticism regarding 180 days of instruction.

Evidently there are private schools now operating on a four day week, but it appears they probably have as many instructional hours as public schools. I would think that some alternative could be written into this law to allow these schools to operate on a four day week if they provide the same amount of instructional time as a public school.

I was also asked a question at this meeting regarding who would determine the qualifications of the teacher who does not hold a Bachelor's Degree or is not certified. I'm afraid that I gave the wrong
answer when I said that this would be determined by the Board of Public Education in policy adopted after the passage of the Bill. In more closely examining the section dealing with this, and discussing it with the Attorney General's office, I can now see that it would be up to the County Superintendents to determine whether or not the teacher is qualified. I believe it must be this way because the situations will vary so much. Whether or not the parent is qualified to teach would depend on the age of the child, the subject matter being taught and the education and experience of the parent. However, the parent would always have the right of appeal to the Board of Education if the County Superintendent deemed him or her unqualified.

You should be particularly aware that this Bill in its present form will allow a home school if it meets the specified requirements. This will be new to Montana and you will find that not too many states allow home schools at the present time.

This is not an easy problem to solve, but just because it is difficult, controversial, and for some emotional, doesn't mean we should just turn our head and ignore it. In my opinion, this Bill presents a workable solution. I also believe that the only private or home school that should fear the requirements of this Bill are those that are not providing a basic instructional program for their students.
Allen Gunderson, Chairman
State Board of Education
33 S. Last Chance Gulch
Helena, Montana 59620

Dear Mr. Gunderson:

I support any legislation that will give school administrators direction in dealing with private schools, correspondence and home study plans.

Sincerely,

Edith Harper
County Superintendent of Schools
Montana's constitution guarantees equality of educational opportunity for each person in the state.

The compulsory attendance statutes have been enacted to insure that equality of educational opportunity is in fact guaranteed.

Present statutes do not clearly delineate authority for enforcing the compulsory attendance statutes.

Attorney General opinions have clarified lines of authority but major difficulties continue to hinder enforcement of compulsory attendance statutes.

Legislation has been introduced from a variety of sources for the purpose of allowing the consistent and appropriate application of the compulsory attendance statutes.

The Office of Public Instruction will examine and comment on each proposed change relative to potential difficulties.
In Board of Education of Central School District No. 1 v. Allen, 392 U.S. 226, 245 (1968), the United States Supreme Court noted:

...a substantial body of case law has confirmed the power of the states to insist that attendance at private schools, if it is to satisfy state compulsory-attendance laws, be at institutions which provide minimum hours of instruction; employ teachers of specified training, and cover prescribed subjects of instruction. Indeed, the state's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory education statutes. These cases were a sensible corollary of Pierce v. Society of Sisters: if the State must satisfy its interest in secular education through the instrument of private schools, it has a proper interest in the manner in which those schools perform their secular educational function.
cannot be instructed under the special education provisions of this title;

e) excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child; or

(f) excused by the board of trustees upon a determination that such attendance by a child who has attained the age of 16 is not in the best interest of the child and the school.

(3) The excuse provided for in subsection (e)(d) of this section shall be issued by the district superintendent or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicable official, an appeal of such decision may be made to the district court of the county within 10 days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

NEW SECTION. Section 4. Nonpublic school requirements for compulsory enrollment exemption. To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic school shall:

(1) provide instruction at least equivalent to the program prescribed by the board of public education pursuant to 20-7-111;

(2) be housed in a building that complies with local health and safety regulations;

(3) provide at least 180 days of pupil instruction in accordance with 20-1-301 and 20-1-302;

(4) employ as administrators, only persons who:

(a) are certified to teach in any state;

(b) are enrolled in an education program leading to teacher certification; or

(c) provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school;

(5) employ as teachers, only those persons who:

(a) are certified to teach in any state;

(b) teach at least half-time in a subject area in which the person holds a bachelor of science or a bachelor of arts degree; or

(c) provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school;

(6) maintain for each student a record that includes:

(a) a record of attendance;

(b) a list of courses completed; and

(c) measurement of achievement in each area included
in the program of instruction prescribed by the board of
public education pursuant to 20-7-111.

NEW SECTION. Section 5. Rejection of nonpublic school
statement of compliance with compulsory enrollment
exemption. Whenever a nonpublic school statement of
compliance with the provisions of [section 4], filed
pursuant to 20-5-102, is rejected for filing by the county
superintendent under 20-3-205, the county superintendent
shall notify the person submitting the statement of the
reasons for its rejection. An appeal of the rejection may
be made to the board of public education within 10 days
after the decision is rendered by the county superintendent.
The decision of the board of education is final.

NEW SECTION. Section 6. Codification instruction.
Sections 4 and 5 are intended to be codified as an integral
part of Title 20, chapter 5, part 1, and the provisions of
Title 20 apply to sections 4 and 5.

-End-
402. Basic Instructional Program: High School, Junior High, Middle School and Grades 7 and 8 Budgeted at High School Rates.

(1) Each district shall have in writing and on file a process of program evaluation. Self-review of each program shall occur at least once every ten years, using the Northwest Association evaluation program or evaluative materials of the district’s choice.

(2) A high school shall require a minimum of 16 units for graduation including ninth grade units; however, at its discretion, a board of trustees may require additional units of credit for graduation. A unit of credit shall be given for satisfactory completion of a full-unit course. At the discretion of the local administrator, fractional credit may be given for partial completion of a course.

(3) A unit of credit is defined as the equivalent of at least 225 minutes per week for subjects without laboratory work and 250 minutes per week for subjects that require laboratory work.

(4) The following is a list of alternative procedures for earning credit. They are acceptable equivalents to the basic definition of a unit of credit. Such units of credit taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student’s official transcript, must be accepted in any Montana high school.

(a) Satisfactory completion of the content of a course in a period of time either shorter or longer than that normally required. Criteria for successful completion shall be developed as a guide for teachers, students and parents in assuring quantity and quality of performance, regardless of time involved.

(b) In accordance with the policies of the local board of trustees, credit earned in summer classes may be applied toward graduation requirements if the summer classes are taught by properly certified teachers. This credit shall be prorated in accordance with the policies of the local board of trustees.
(c) Satisfactory completion of special courses in such programs as Job Corps, Upward Bound and Armed Forces schools. Credit given for satisfactory completion of such courses shall be in accordance with policies of the local board of trustees.

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(d) Satisfactory completion of unconventional programs such as work study, cooperative work experience, college level courses taken in high schools and others. Work study and work experience programs shall be coordinated with the supervision of a certified teacher.

(e) In accordance with the policies of the local board of trustees, a regularly enrolled student may apply toward graduation credits earned through the National University Extension Association or earned through one of the schools approved by the National Home Study Council.

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(f) In accordance with the policies of the local board of trustees, credit earned in adult education classes may be applied toward graduation requirements, provided the classes have been established in accordance with state law and provided the classes are taught by properly certified teachers employed by the school district.

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(5) Course requirements for graduation are:

(a) Language arts: 4 units.
(b) American history: 1 unit.
(c) American government: \( \frac{1}{2} \) unit.
   A 2-unit course in American history and American democracy, which includes a study of government, may be used to meet the American history and government requirements.
(d) Mathematics: 2 units.
(e) Laboratory science: 1 unit.
(f) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two
(g) The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests also shall be considered with respect to age, maturity, interests and aspirations of the students and shall be in consultation with parents or guardians.

(6) Units of credit earned in any Montana high school accredited by the board of public education shall be accepted in all Montana high schools.

(7) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.

(8) The basic instructional program for each high school shall be at least 16 units of course work which shall include at least those given below:

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<td>(a) Language arts: 4 units. The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.</td>
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<td>(b) Social sciences: 2 units.</td>
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<td>(c) Mathematics: 2 units.</td>
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<td>(d) Science: 2 units.</td>
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<td>(e) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two years. Participation in interscholastic athletics cannot be utilized to meet this requirement.</td>
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(f) Fine arts: 1 unit. Fine arts include music, art, drama.

(g) Practical arts: 2 units. Practical arts include home economics, industrial arts, business education, and agriculture.

(h) Two electives.

(9) Basic instructional program for junior high school, middle school, and grades 7 and 8 budgeted at high school rates must offer:

(a) Language arts: 3 units in junior high and 2 units for middle school and 7th and 8th grades.

(b) Social sciences: 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(c) Mathematics: mathematics offerings are to include both algebra and general math in grade 9, 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(d) Science: 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(e) Health and physical education: \( \frac{1}{2} \) unit each year in junior high and \( \frac{1}{2} \) unit each year in middle school and 7th and 8th grades.

(f) Art: \( \frac{1}{2} \) unit each year in junior high and \( \frac{1}{2} \) unit each year in middle school and 7th and 8th grades.

(g) Music: \( \frac{1}{2} \) unit each year in junior high and \( \frac{1}{2} \) unit each year in middle school and 7th and 8th grades.

(h) Practical arts (includes home economics, industrial arts, business education, and agriculture) \( \frac{1}{2} \) unit each year in junior high and \( \frac{1}{2} \) unit each year in middle school and 7th and 8th grades.

(10) A unit is defined as the equivalent of at least 225 minutes per week in non-laboratory courses and 250 minutes per week in courses that require laboratory work. Units in grade 9 shall be equivalent to units of credit for high school graduation requirements.
403. Basic Instructional Program: Elementary

(1) An elementary school shall have a minimum educational program that includes the subject areas listed below:

(a) Language arts including reading, literature, writing, speaking, listening, spelling, penmanship and English.

(b) Arithmetic, written computation and problem solving.

(c) Science, ecology and conservation.

(d) Social sciences, including geography, history of the United States, history of Montana, agriculture and economics. Contemporary and historical traditions and values of American Indian culture may also be included.

(e) Fine arts, including music and art.

(f) Physical education.

(g) Safety, including fire prevention as outlined in state statutes.

(h) Health education.

(i) Weekly time allotments for each subject area are flexible; however, in grades 1, 2 and 3, the standard school day must consist of at least four hours. In grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, and time allotments should be scheduled to give balance to the educational program. One recess period per day may be counted toward the standard school day if a planned activity is provided during the recess. Passage time between classes may be counted toward the standard school day.

(2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by school district personnel at intervals not exceeding five...
I am Jim Murry, executive secretary of the Montana State AFL-CIO. I am here today to testify in support of Senate Bill 253. We believe that every child has the right to a sound basic educational program, and this bill helps ensure that each Montana child will have that opportunity.

Education has always been a special concern of organized labor. When Samuel Gompers, the first president of the American Federation of Labor was asked, "What does labor want?", he responded by saying, "We want more school houses and less jails, more books and less arsenals, more learning and less vice, more constant work and less crime, more leisure and less greed, more justice and less revenge." That was in 1893, but organized labor's concern for education began long before that.

In the early days of our nation's history, only those who could afford it could obtain an education. There was no such thing as free public education, and indeed there was a notion that workers' kids should not be educated. In 1823, shoemakers in Philadelphia staged demonstrations demanding free public education and paved the way for the public school system as we know it today.

We also believe that one who wishes to send their children to a private school or is capable of teaching them at home should have that right. But we also believe that there are certain standards which must be met to protect the right of those children to a fundamental and basic education. The standards set forth in this bill ensure that these children will not attempt to pursue a higher education and find they are unable to do so, or go into the job market and discover they do not have even minimum skills to hold down a job.
Our world and our job markets are changing rapidly. New technological advances make it even more imperative that our children are well-educated.

We ask your support of Senate Bill 253.
NAME: Hidee Van Duym  BILL No.: SB 253

ADDRESS: 33 South Last Chance Gulch, Helena, Montana  DATE: February 2, 1983

WHOM DO YOU REPRESENT: State Board of Public Education

SUPPORT: X  OPPOSE:  AMEND:

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill is not about private schools. This bill is about education for all children. The law as it exists now makes a claim about education for all children. The law as it exists now makes a claim for the state's interest in guaranteeing a basic education for all children whether they are in public or non-public schools. It says that children are excused from attending public schools if they attend a non-public school which provides the basic instructional program as defined by the Board of Public Education.

As far as education for all children is concerned, the private schools have some essential privileges which public schools do not have. Private schools do not have to accept all children, they do not have to educate all children for all possible futures, and they do not have to keep all children if they don't fit the mold of the school. The public schools have to do all of these: they do have to accept all children, they have to educate them for all possible futures (instant employment, vocational careers and college) and they have to deal with the children no matter how many problems they may present individually.

There are just reasons why private schools need not answer to the same expectations as the public schools, but they should be expected to guarantee the ingredients of a basic education.

This bill is about that guarantee and I urge you to support it.
NAME    David D. Hartman

ADDRESS 1804 Gold Rush, Helena, MT

WHOM DO YOU REPRESENT Montana Education Association

DATE February 2, 1983

BIL No.   SB 253

SUPPORT X    OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
February 2, 1983

Senate Bill #253

Testimony in Support by: Montana Education Association

Mr. Chairman, members of the Committee, my name is David Hartman. I am Executive Secretary of the Montana Education Association.

MEA supports Senate Bill 253. The State of Montana has long acknowledged both the right and the obligation to establish reasonable requirements upon those who accept the responsibility for educating the youth of this state. The proposed amendments to Chapter 20 contained in Senate Bill 253 serve that purpose in a most reasonable fashion.

I expect that you will hear from opponents of the bill that a religious issue is at stake. The issue is not religion, it is education. Senate Bill 253 is designed to insure that those who advertise as operating a school are, in fact, doing just that in compliance with standard requirements which have insured the education of generations of youth in Montana. It is, in fact, a "truth in educational advertising" bill. It requires those who claim to be operating a school to do so in accordance with standard requirements related to facilities, annual days of operation, certification of personnel, and basic educational program.

This bill serves to protect the constitutions of Montana and the U.S. as it respects the right of a basic education for our youth. It does not in any way make attendance at a public school mandatory, and it in no way interferes with the free exercise of religion and the ministry of any church.

- over -
Senate Bill 253 provides for reasonable regulation of non-public schools in Montana. It deserves your energetic support.

Thank you.
NAME        Dolores Hughes  BILL No. S.B. 253
ADDRESS     Phillips Co. Supt of School   DATE   2/2/83
WHOM DO YOU REPRESENT  Self
SUPPORT     yes   OPPOSE   AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Attached
TO WHOM IT MAY CONCERN:

As the Phillips County Superintendent of Schools who has had two non-public schools start since August, 1980, because parents did not agree with the public school policies, I feel that this S. B. - 253 would help clarify some of the questions as to what laws non-public schools are supposed to abide by; also what rights the county superintendent has as attendance officer.

When non-public schools first became an issue in Phillips County, I did not have any guidelines to follow, other than being the attendance officer. It was through the Phillips County Attorney and the Board of Public Education that some guidelines were set up for me. Therefore, I feel it is long overdue that a bill be passed that clearly states what should be done by the persons involved.

Under NEWSECTION (4), (a), that states 'employs as administrators only persons under contract who (a) are certified to teach in any state', I would like to see that section changed to read 'are certified to teach in Montana'. After all we are speaking of non-public schools in Montana.

When I think of compulsory attendance, I am thinking of the rights of a child for an education and it is up to the parent or guardian to see that his child is in school to receive the education provided for him. This bill seems to give the county superintendent something firm to hold on to by making the parent responsible for his child's attendance by reporting to the county superintendent.

I am not in favor of a 'home study program'. I feel that this may be construed to mean that school can be held in the home. This should not be allowed.

It should be allowed only if a child is a long way from school. I am in favor of keeping the correspondence course as part of the types of transportation as set forth in 20-10-121.

I have had very good success with the nonpublic schools in Phillips County. With definite guidelines, I hope to have even more.

Respectfully,

Dolores Hughes
County Superintendent of Phillips County
NAME  Deley Denning  BILL No.  SB 253
ADDRESS  301 W. Alder  DATE  2-2-83
WHOM DO YOU REPRESENT  Missa Co Supt of Schools
SUPPORT  X  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Specific cases of educational child abuse have been presented before you. There are people in Missoula County who under the guise of "private schools" are receiving little or no education. We have no problem with most established Christian schools. When individuals hide behind the vagueness of the law is the basic issue.
NAME: Chip Erdmann  
ADDRESS: Helena  
WHOM DO YOU REPRESENT: MT School Board Assoc.  
SUPPORT: X  
OPPOSE:  
AMEND:  
DATE: 2/2/83

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Constitution of Montana mandates that the Bd of Pub. Ed insure that all children in the State of Montana receive a basic education.

What this bill does is provide a reasonable system for the board to carry out this mandate. The current system, under the AG's opinion would not allow "home schools" in any form.

This is a reasonable balance between the interests involved - the constitutional mandate on one hand and the parental interests on the other.
NAME: Terry Lynn Minow
BILL NO.: SB 253
ADDRESS: Box 513, Boulder, MT
DATE: 2-2-83
WHOM DO YOU REPRESENT: Mont. Federation of Teachers
SUPPORT: [ ]
OPPOSE: [ ]
AMEND: [ ]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
Mr. Chairman and Members of the Committee:

My name is Terry Minow and I represent the Montana Federation of Teachers, AFT, AFL-CIO. I am appearing in support of Senate Bill 253.

Montana's present laws do not meet the educational needs of the children of the state. Montana's constitution guarantees our children the right to equal educational opportunity when it states, "It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

With every right there is a corresponding duty. For example, every person has the right to a fair trial. It is the state's responsibility to ensure that that right is provided for through laws that regulate how a jury is selected, how a judge is elected, what evidence may be introduced, etc. The state must also meet its responsibility to our children by providing adequate regulations for private schools and a way to enforce them.

As a representative of teachers, I believe this bill helps provide equality of educational opportunity by setting standards for the qualifications of teachers in private schools. To argue that an individual need not meet any qualifications makes meaningless the years of training and experience we, as teachers, have undergone to become qualified.

When you hire a plumber you know that that person has completed training and education which qualifies him or her to work on your pipes. When you enroll your child in a private school, you need to know that the teacher is qualified to teach your children. In the case of a plumber, if you have the knowledge to fix the pipes yourself you can do so. If you wish to educate your own child, you must prove to the state that you are qualified to do so. If you fail in your plumbing efforts and the pipes burst it may be a tragedy to you as a homeowner, but it only affects your property, which is repairable. However, a child is not a piece of property that can be repaired. With a substandard education a child is not prepared to meet his or her responsibilities to society.

The issue of free enterprise, the parent's right to choose from a variety of educational options, may be a concern to some. This bill will not limit the option to choose between public and private schools. Instead, it will ensure that when parents consider those options, they will know that both the public and private schools will provide equal educational opportunities for their child. We can not leave the education of our children to the marketplace principle of "let the buyer beware". Too much is at stake for the child and for the society in which he or she lives.

In behalf of the Montana Federation of Teachers, AFT, AFL-CIO, I urge you to pass Senate Bill 253 and ask that you give it a "do pass"
NAME: Pat Callbeck Harper
DATE: 2-2-83

ADDRESS: 301 S. Oakes, Helena

PHONE: 442-16927

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: Testimony attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Testimony before the Senate Education and Cultural Resources Committee, February 2, 1983

Mr. Chairman and members of the committee: My name is Pat Callbeck Harper and I would like to speak in favor of SB 253. I am a Director of the National Board of Global Ministries of the United Methodist Church and an active member of a local church. One of my primary concerns is the ministry of the Church.

But today I address the issue of separation of church and state and the concern that this bill will interfere with the free exercise of religion and the ministry of the church in non-public schools. I offer three points for your consideration.

1. The Church in our society enjoys certain rights, but it also must exist within certain Constitutional and statutory bounds. Freedom to hold religious beliefs and opinions is guaranteed under the First Amendment. This freedom is absolute. But the freedom of conduct is not absolute. For the sake of the public safety and welfare religious groups may not practice bigamy, human sacrifice, child labor or snake handling, even though they may be part of the religious doctrine. We may not hold meetings in unsafe buildings, and we do not see the enforcement of fire codes in our churches as an interference in the free exercise of our religious belief.

2. It is the state's legitimate responsibility by Constitutional and statutorial law to maintain and preserve the general public welfare. The state cannot feed, house and clothe our children, but it is the duty of the state to monitor that parents do these things. Parents cannot beat or starve or
abandon their children without the state becoming involved for the benefit of the children. In the US it is the state's duty to guarantee that our children receive a basic education. The state cannot educate all our children, but it must monitor that all our children receive their guaranteed right to equal educational opportunity. All children, whether in public or private schools, are part of our society and enjoy the privileges and protections granted the general public.

3. This bill does not interfere with religious teaching or the parents' choice to send children to non-public schools. The bill does not require certification of Sunday School teachers (in conflict with the Establishment Clause of the US Constitution), nor does it require that only state-approved texts be used, or that only teachers from state universities be employed. The bill does not prohibit parents from sending their children to non-public schools. It does provide basic minimal qualifications that enable the state to fulfill its legal duty to the citizens of our society to educate our children. When we in the Church take on the responsibility of educating our children, a duty of the state, we must live within the bounds of law and respect the state's requirements. It is in good religious conscience, besides being in our children's best interest, that non-public schools (be they religious or otherwise) provide at least minimum standards.

As a person of faith, I know that any truly religious person has as a primary concern the welfare of our children. These are not public or non-public children, but God's children. They deserve not only religious guidance but the basic skills to live in this society as competent adults as well as God's witnesses.
NAME Helma Robertson
ADDRESS Shelby, NY.
WHOM DO YOU REPRESENT Mont. County Sup't of Schools
SUPPORT X Oppose
AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
SENATE BILL 253

PRESENTATION BY: THELMA O. ROBERTSON
TOOLE COUNTY SUPERINTENDENT OF SCHOOLS
SHELBY, MONTANA

I am in favor of Senate Bill 253. I feel that as my job as county superintendent of schools I am responsible in seeing that every child in the county receives an adequate education as prescribed by the school laws of Montana. I cannot fulfill this obligation without cooperation of the legislature.

The county superintendent of schools must know where children are residing/attending what schools. In order to do this, they must have attendance records, and records of academic progress. The above mentioned records should be mandated by law to be submitted to the county superintendent each year. Also, I feel this bill should be amended in that section that speaks to certified teachers. I feel the bill should read "CERTIFIED AS PRESCRIBED BY THE BOARD OF PUBLIC EDUCATION."

Specific areas concerning problems in a private school in Toole County:

1. Non-admittance of County Superintendent of Schools for formal visits
2. Refusal to submit list of students attending

I strongly urge this committee to SUPPORT SENATE BILL 253. This allows the existing deviations to be eliminated, with the above amendments added.

THANK YOU!!!
GRACE GOSPEL ACADEMY

A Ministry of Grace Gospel Church
1880 Valley Streamway
Eaton, Michigan 49627

Director: Douglas E. Keeler
Director: Robert L. Masters
THE PURPOSE...
The Academy trains Christian youth in the highest principles of Christian leadership, self-discipline, individual responsibility, personal integrity, and good citizenship. The Academy stands without apology for the old time Gospel and the highest standards of morality in Christian behavior. Grace Gospel admits students of any race, color, and national origin.

Just as the strongest plants grow in the greenhouse, the strongest Christians grow in a semi-protected environment. Young Christians are allowed to develop and mature through the adolescent and teenage years without the usual worldly peer pressure.

At Grace Gospel Academy, the students receive massive doses of love and discipline. It's not unusual for a staff member to wrap his arm around a young child and literally cry out to God for the need of that special young life. Likewise, it is not unusual for a staff member to mete out needed discipline. Pouting, selfishness, anger, and disrespect are unacceptable at Grace Gospel Academy.

THE PROGRAM...
Over 5,000 schools in America use the Accelerated Christian Education Program. Approximately 3 to 4 new Christian schools are started every 24 hours. This trend is accelerating as Christian parents realize the inability of government schools to teach the moral and spiritual truths necessary to prepare young lives for responsible leadership.

Accelerated Christian Education works! It is practical, proven, and continuing to improve. Even the most distinguished traditional Christian schools are handicapped when they have to adapt secular materials to Christian curriculum and philosophy. The Accelerated Christian Education Program is 100% Christian from beginning to end.

Perhaps the primary blessing of ACE is individualized instruction. A genius and a handicapped child may sit side by side and progress spiritually and academically at their own speed.

COMMON QUESTIONS...
Is Grace Gospel Academy accredited? Accreditation by the state governmental agency is an administrative mechanism designed to ascertain uniform education for all children in secular schools. It was established as a governmental means of controlling a public school district to provide what the state educational agency determined as minimum academic and facility standards for all schools.

Accreditation of a private Christian school is not necessary for a graduate who wishes to attend college. In Montana, no accreditation is available for primary schools. Registrars of institutions are interested in the academic merits of individual students — not in the name of their secondary school. Registrars evaluate each applicant's academic aptitude through nationally standardized tests. The instructional program at Grace Gospel Academy is designed to properly train students who wish to continue their education beyond high school.

The only advantage of graduating from an accredited secondary school in the State on Montana is that the student does not have to pass a college entrance examination in order to enroll as a student in a post-secondary institution in the State of Montana.

Are the Grace Gospel teachers certified? Like accreditation, certification is an acknowledgement by a state governmental agency that a teacher meets certain standards. Certification does not mean that the teacher is "competent" to teach your children. It merely means that the teacher has successfully completed a certain course of instruction.

The teachers at Grace Gospel Academy have been certified by God, the government of the church, the parents and the students. Students are tested prior to acceptance and at the conclusion of every academic year by the nationally recognized California Achievement Test. The results show that the teachers have definitely been certified for this important biblical task.

How much does it cost to attend Grace Gospel? Those involved in Christian Education have found that "it doesn't cost, it pays." A registration fee and a monthly fee is charged all parents in order to defray the necessary expenses of staff, equipment, and materials. If a parent is unwilling to financially support the education of his child, the child should not be enrolled at Grace Gospel Academy, because the parent will also be unwilling to spend the necessary time in praying, reviewing PACES, and meeting with supervisors.
What type of sports or extracurricular activities are available at Grace Gospel? In 1982, Grace Gospel Academy played basketball as a member of the Montana Christian Athletic Association. Eight students from Grace Gospel placed first or second in the Montana-Idaho Student Convention, earning a right to travel to Denton, Texas, for the International Student Convention. Student convention allows wholesome expression of a student's gifts and abilities in such divergent areas as spelling, music, track, photography, sewing, soul winning, Bible memory, and forensics, as well as many other areas.

For additional information, please write or call:

Grace Gospel Academy
1580 Valley Speedway
Helena, Montana 59601
(406) 458-9183
February 1, 1983

Senator Bob Brown, Chairman
Senate Education Committee
State Capitol Building
Helena, Montana 59620

Dear Chairman Brown and Members of the Senate Education Committee:

For many weeks and months, I have raised my voice in public and private in an effort to protect one of our most precious freedoms - the freedom to be a parent. Although the authors of Senate Bill 253 might have noble purposes, SB 253 will have an ignoble effect in that it seriously harms our precious freedom to parent our children.

The proponents of Senate Bill 253 have little or no evidence to show that the actual purpose of compulsory attendance will be achieved. The purpose of compulsory attendance was set forth in Commonwealth v. Roberts, 34 N.E. 402, which states as follows:

The object and purpose of compulsory educational law are that all children shall be educated, not that they should be educated in any particular way.

This same statement is found in People v. Levisen, 404 Ill. 574, 90 N.E. 2d 213 (1950) which stated:

The law is not made to punish those who provide their children with instruction equal or superior to that obtainable in public school. It is made for the parent who fails or refuses to properly educate his child.

The right of parents to control and decide their children's education is a clearly recognized and fundamental constitutional right. It is found in the Ninth Amendment to the United States Constitution which states:

The enumeration in the constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

Even the United Nations in its Declaration of Human Rights recognizes that the fundamental unit of society is the family,
and that parents have the right to control the education of their children. In Thiede v. Town of Scandia Valley, 14 N.W. 2d 400 (1944), the Supreme Court of Minnesota stated:

The entire social and political structure of America rests upon the cornerstone that all men have certain rights which are inherent and inalienable. Among these are the right to be protected in life, liberty, and the pursuit of happiness; the right to acquire, possess, and enjoy property; and the right to establish a home and family relations. . . . . at 405.

A parent's right to educate his children has also been recognized in many other cases across the United States. Many of these states have recognized this by the right of privacy within marriage or family including the right to have children. Cases having a special bearing are: Cary v. Population Services Int'l., 431 U.S. 616, 97 S. Ct. 2010, (1977); Roe v. Wade, 410 U.S. 113, 93 S. Ct. 705, (1973); Griswold v. State of Connecticut, 388 U.S. 479, 85 S. Ct. 1674 (1965).

In Meyer v. State of Nebraska, 262 U.S. 390, 43 S. Ct. 625 (1923), the United States Supreme Court considered whether or not it was permissible to prohibit the teaching of foreign languages before a certain age level. The Court in this case quoted the Fourteenth Amendment provisions concerning "life, liberty or property" and went on to state:

While this court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not only freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men., at 399.

In earlier decisions of the Supreme Court, the standard in determining constitutionality was whether the regulation which infringed upon parental rights bore a reasonable or substantial relation to a legitimate state purpose. But that has changed.
The burden on the State is now a much greater one. In the recent cases previously cited, such as *Roe v. Wade*, supra., the standard must now be "compelling state interest." The State may not simply employ a "balancing act" by balancing the State interest against the degree of interference with parental rights. Rather, the State interest must be "compelling" or the parental right to educate the child must be held inviolate.


> Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected . . . , at 35.

> We have carefully considered each of the arguments supportive of the District Court's finding that education is a fundamental right of liberty and have found those arguments unpersuasive., at 37.

Thus, there is serious question as to what, if any, "compelling state interest" the State really does have concerning the education of the children. In applying the "compelling state interest" test, the U.S. Supreme Court stated in *United States v. Robel*, 389 U.S. 258, 88 S. Ct. 419 (1967) as follows:

> We are concerned solely with determining whether the statute before us has exceeded the bounds imposed by the Constitution when First Amendment rights are at stake . . . Our decision today simply recognizes that, when legitimate legislative concerns are expressed in a statute which imposes a substantial burden on protected First Amendment activities, Congress must achieve its goal by means which have a "less drastic" impact on the continued vitality of First Amendment freedoms . . . The Constitution and the basic position of First Amendment rights in our democratic fabric demands nothing less., at 267.

In reviewing Senate Bill 253, it is clear that it does infringe upon the parental right to raise and educate their children in accordance with their own dictates. Thus, the second question must be asked: Does the State of Montana have a "compelling
interest" in the education of the children? If this question is answered in the affirmative, we must ask the third question: Is the method of implementing the "compelling state interest" the "least drastic" method available? I think not.

As a former county attorney and former defense attorney, I am appalled by the intrusive nature of Senate Bill 253. The unwarranted search into our churches cannot and should not be permitted. The unwarranted interference with parental rights cannot and should not be permitted. In particular, Senate Bill 253 is offensive in the following areas:

(1) Section 20-3-205 (28) gives vast and unconstitutional power to the county superintendents to "review, investigate, and accept for filing or reject any statement from a non-public school." The power to review and investigate is virtually the power to control. This type of control is intrusive, unwarranted and unconstitutional.

(2) Section 20-5-102(a) shifts the burden to the non-public school to "demonstrate compliance." There is absolutely no basis in fact or law to shift this burden to the non-public school. The law in the State of Montana from 1903 through 1983 has been more than adequate to prosecute parents who have failed in their responsibility to educate their children. There are several truancy prosecutions throughout the State of Montana right now which evidence this very fact. Accepting the language suggested in Senate Bill 253 virtually shifts the burden from the public sector to the non-public sector. Such shifting is unwarranted and unconstitutional.

(3) The equivalency provision set forth in new Section 4 (1) is vague and ambiguous. Again, who is going to make the decision on equivalency? The present law allows the courts of law to make that decision. It appears that Senate Bill 253 is going to shift that responsibility to the county superintendent. I seriously question the appropriateness or constitutionality of this shifting.

(4) Written contracts for the administrators or teachers serve absolutely no purpose. Many church and private schools do not as a matter of practice or conscience use written contracts. From the perspective of the church, these administrators and teachers are oftentimes viewed as "ministers" who receive no financial compensation. The written contract for most is the written Word of God, from Genesis through Revelation.
(5) It's difficult to comprehend any justification for the certification of either the administrators or teachers. It is easy to see that Senate Bill 253 was an attempt to be all things to all men. However, the language that the school "provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school" is highly nebulous. Who decides this issue? If that is going to be the rule of the law, then why have subsections (a) or (b) requiring certification or bachelor of science or bachelor of arts degrees?

The law in the State of Montana has been muddled ever since recodification of the school laws in 1971. Prior to recodification, former Section 75-2901 which upon recodification became 75-6303 (later 20-5-102) stated that "A PARENT SHALL INSTRUCT or cause to be instructed" their children. Notice that the burden was placed upon the parents. This is as it should be. Prior to recodification, the statute stated that a child should be enrolled in a public, private or parochial school. Private and parochial schools were not second-class schools relegated to a subsection of the compulsory attendance law. They stood shoulder to shoulder with the public schools.

An editorial which appeared in the Missoulian on Tuesday, January 18, 1983, stated everything so well. Sam Reynolds, editorial page editor, stated as follows:

Most parish schools with their religious doctrine (so very suspect for many people), are using love, discipline, non-certified teachers and are doing a whale of a good job by any measure that the public schools, or government, wish to make.

Horror stories about semi-literate home-taught kids undoubtedly could be dug up, along with horror stories about parish schools that do a bum job.

It's to rescue those kids from deprivation that motivates state government to step in, in place of the parents.

Government should step out. Public education is its turf. Private religious education is not. The First Amendment says that government "shall make no law respecting an establishment of religion (imposing prayer on public schools), or prohibiting the free exercise thereof" (controlling church schools.)
The fundamentalists are working on legislation in Helena to loosen state control. Under the bill, a school would have to have an "organized course of study" that included all the basic subjects. It would not have to abide by the Board of Public Education's "basic instructional program."

The course of study outlined should be enough to prevent educational horror stories from happening. It should be applied only to private schools.

And -- to get back to fundamentals -- it should be passed by the Legislature.

-- Sam Reynolds

To the conclusion of Mr. Sam Reynolds of the Missoulian, I wish to add my hearty Amen. Thank you for giving this matter your utmost attention and consideration.

Respectfully yours,

Douglas B. Kelley

DBK:ml
NAME: Gregory L. Doron

ADDRESS: 3010 Parkhill Dr Billing MT 59102

PHONE: 406-652-2097

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? AMEND? OPPOSE? 

COMMENTS: Written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Chairman and members of the committee:

the record my name is Greg Dorow. I have been engaged in the private
practise of dentistry in Billings, Mt. for 9 years. I have B.S. degrees
in biology and chemistry from R.M.C. and a doctorate of dental surgery
ree from U. of D. I oppose Senate Bill 253.

have to question the wisdom of the state's concern and possible intervention
to the private education sector under the premise of child protection when
that same state and society has decided not to intervene in parental decisions
during the child's period of fetal maturation.

If a parent has the right to stop a child's life during fetal development,
I certainly have the right to choose the spiritual and educational development
of my child without state interference. I believe this bill would interfere
with my right to direct my child's academic, spiritual and social development
so that it aligns with my convictions.
DATE: 1/2/83

ME: Jay Wilson, Evangelist

ADDRESS: 1233 N. 8th Bozeman, MT 59715

PHONE: 587-8365

REPRESENTING WHOM? Christian Education Association of Montana

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? ______ AMEND? ______ OPPOSE? √

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
TESTIMONY OF THE CHRISTIAN EDUCATION ASSOCIATION OF MONTANA

to the Senate Education Committee

on Senate Bill 253

Feb. 2, 1983

INTRODUCTION:
The issues raised by the proposed Senate Bill 253 on clarifying the exemption from compulsory enrollment in a public school for pupils enrolled in a nonpublic school, etc., are extremely far-reaching in scope — possibly more far-reaching than members of the Committee realize. The issue is much deeper than simply “quality education”. We are dealing with the subjects of parental rights, and separation of church and state as indicated in the 1st Amendment to the U.S. Constitution. In our testimony, we hope to be able to speak clearly to these issues, with concluding focus on the specific provisions of Senate Bill 253.

BRIEF SURVEY OF SOURCE OF RIGHTS AS DEFINED IN THE DECLARATION OF INDEPENDENCE

The foundation for freedom in this country — unique in history as the only voluntary recognition of this fact — is that rights are not granted by government, but are granted by God. As the founding fathers attested — “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.” More than just pretty words on a piece of paper, this concept was the fuel for the American Revolution. With the firm belief that their rights were derived from a sovereign God, they rebelled against the tyranny of a despot who would take away their God-given rights.

In the next breath they went on to define the function of government — “That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.” The function of government is to secure previously existing rights. A government which exercises powers interfering with such God-given rights was considered by the document’s signers as unjust.

How can “just powers” be defined? The very element of “just” and “justice” is that there is some standard — that there is some measuring rod — against which conduct can be tested. The question is: What is that measuring rod? Are “just powers” subject to the vagaries and whims of each newly enlightened generation, or is there some sounding bass of “justice” that never changes? An increasingly secular society is rejecting the existence of a standard derived from God, and consequently moving away from the foundational principles of freedom which made America the greatest country on the face of the earth.

But the standard for justice for our founding fathers — and the source of our laws regarding what is criminal and what is not — was the basic principles of the Bible. This was the backdrop of the documents for American freedom — so much so that these truths were regarded as “self evident”.

CHILDREN ARE WARDS OF THEIR PARENTS — NOT WARDS OF THE STATE

One of the basic questions of life is. Who owns the children? In America children have always been regarded as wards of their parents. The parents are responsible for feeding, clothing, and educating their young. This has been regarded as a fundamental right derived from God, and a right to be protected by the local and national governments from all enemies, foreign and/or domestic. The fact that a small percentage of parents have not been as responsible for feeding, clothing, and educating their children as “others” deemed they ought to be has never negated the general fact that nobody is more concerned about children than their parents. In American education, parents have the right and the responsibility to discipline and instruct their children in the way they think the children should go.

In other countries — such as Nazi Germany and the Soviet Union — children have been and are regarded as wards of the state. Children are raised by their parents until the state deems that the child needs to be sent elsewhere — for the good of the state. Children are educated by the state where the state wants the children educated, and in curricula that the state determines is most suitable for the child — for the good of the state. Such language, of course, is the language of tyranny.

The fundamental issue before the Committee today is this issue: Who owns the children? The provisions of Senate Bill 253 are major steps in the process by which children cease to be wards of their parents, and become wards of the state.

EDUCATION ESTABLISHMENT — CONTROL, NOT QUALITY

The Committee has heard, and will hear arguments from various sources within the “educational establishment” — the Board of Public Education, and others — who insist that the state has an obligation to ensure that
in Montana is receiving a “quality education”. The issue of “quality” is simply a smokescreen, and not the real issue facing the Committee today. For 20 straight years scores on national tests of public school students declined, and while Montana remains above the national average, its “quality” of public education has failed in keeping with the national “quality”. Certification of teachers and requirements for so many hours of education in such and such courses demonstrably do not generate “quality education”. In fact, the declining quality of public education is one of the major reasons why many parents are removing their children from the public system, and are involved in educating their children at home where they can control the environment, or are enlisting the help of other parents of a like mind, or cooperating with their churches in private education. “Quality” is a smokescreen. The real issue is “control”. So it was in Nazi Germany, and so it is in the Soviet Union.

The terms of Senate Bill 253 begin with these words — “Board of public education — powers and duties.” So, the terms of this bill give “power” to the Board of Public Education to regulate or disallow any form of private education — at the whim of the Board of Public Education. Under the terms of this bill a private school must beg permission from the state to operate, and parents must beg permission from the state to operate outside counties of “public education”. Under the terms of this bill, private education is considered “unqualified”. Parents can demonstrate — at the whim of the state — that it is “qualified” Under the terms of this bill, parents automatically considered guilty unless they can demonstrate their “innocence”.

Consider one example out the pages of recent American history. In 1970 the state of Ohio established its Minimum Standards for Ohio Elementary Schools, which were applied to non-public as well as public schools. Dr. Levi Whisner, of the Tabernacle Christian School, refused to meet the standards on the grounds that he didn’t meet them without compromising his belief in the Bible, he was promptly hauled into court. Whisner argued that the Minimum Standards were effectively establishing Secular Humanism as a state religion, and a violation of the 1st Amendment to the U.S. Constitution. In July of 1976, the Supreme Court of Ohio ruled Whisner’s favor, agreeing that the Standards were in fact humanistic, and were violating Whisner’s rights. Of the importance in this case was the Friend of the Court brief filed by Dr. Martin W. Essex, Superintendent of Education. Under the terms of this bill, parents and educators can take when given “power” to act:

“If defendants have presented evidence sufficient to support a claim of religious infringement by the State through its Minimum Standards, must the religious freedom necessarily prevail? Clearly not . . .

“Even if defendants were to have stated a claim for relief under the Free Exercise Clause, the State’s interests in providing for a compulsory minimum standard of education clearly outweighs whatever minor infringement on defendants’ religious practices may result” (Whisner vs. Ohio).

It is clear that Dr. Essex regards the State’s power in compulsory education as more important than Constitutionally guaranteed religious freedom. Such is the language of Nazi Germany, and the Soviet Union. Unfortunately Essex is representative of the general attitude of public educators.

Our point in this passage is that private education — and the Committee — have cause to fear what reposing “power” in the hands of public educators can do.

Of course the Christian Education Association of Montana is composed of churches which operate Monday through Friday educational ministries as part of the church function. To them, Monday school is just as much a part of their religious education as Sunday school. As integral ministries of their churches, the State cannot regulate their Monday through Friday ministries any more than it can their Sunday ministries without violating the 1st Amendment to the Constitution. Churches — by their very existence, and by principles in the formation of America — must operate, and must be subject to God rather than the state.

For this reason, we must maintain that every provision of Senate Bill 253 regulating Christian education must be rejected. Quality is not the issue — we cannot and must not accept control by the state. Such control would at some point wipe out our cherished freedom to bring our children in the discipline and instruction of the Lord.

We ask the Committee to very carefully consider these issues, and govern themselves accordingly.
NAME: Michael L. Proffitt
DATE: 2-2-87

ADDRESS: 105 Mill Ave, Whitefish, Mt 59937

PHONE: 862-4487

REPRESENTING WHOM? Private schools

APPEARING ON WHICH PROPOSAL: SB 257

DO YOU: SUPPORT?____ AMEND?____ OPPOSE? X

COMMENTS:


PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Michael L. Proffitt
Testimony - Opposition to Senate Bill #253
Wednesday, February 2, 1:00 P.M.

I We are a particular type of people who are collectively a "community of faith" as distinct as the Amish. We are a minority within a minority. We are a peculiar type of people whose religion demands that we have clear cut standards of morality, lifestyle, and most particularly -- education, which cannot be compromised under penalty of imprisonment. We do not accept Christian schools as an alternate form of education, but rather as the ONLY form of education permissible to us, and to our people.

II The Montana School Boards Association Bulletin
September, 1982
"What is to be Done?" by Phil Keisling

Discussing what needs to be done in the public schools:

1. Parents unite and withdraw from local PTA chapters
2. Parents should be involved and urge school districts to hire as teachers able and exciting people who don't happen to have teaching certificates
3. Bring back flunking
4. Smash Credentialism - performance should determine employment
5. Abolish existing tenure laws

University of Chicago sociologist James Coleman examined 60,000 high school students in private and public schools.

Coleman's most significant finding is indisputable: both the teachers and students in private schools work harder than their public counterparts. Twice as many private school students have more than an hour of homework a night, and almost three times as many are taking a third-year language course. Private schools not only expect more of their students, they get more - and at the behest of teachers who often lack the credentials public schools would require.
What is to be done? Quite a bit, says Keisling

By Phil Keisling
Editor, The Washington Monthly

Editor's note: Phil Keisling, author of the owing hard-hitting article — taken from a ger one titled "The Class War We Can't ord to Lose" — which has been reprinted by mission of the Public Service Research uncil, will address the Chairman's Breakfast 9:30 a.m. Friday, October 22, at the Montanaference of Education Leadership in Billings.

et's not kid ourselves. Public education is in tal danger, and unless its ostensible friends act, its slide into oblivion will be irreversible. le there's certainly no shortage of ways to rove our public schools, here are some places tart:

Parents Unite As a first symbolic act, parents should withdraw from their local parent-teacher association chapters. Much as individual teachers may be sympathetic — and many thoughtful teachers are quite disgruntled with their unions — the teachers as a group are, to put it bluntly, the enemy. They're ultimately more interested in protecting their jobs than making sure your children get a good education.

In taking on the teachers, parents and concerned citizens need to be bold. Rather than boycott the schools they should try to take them over. Parents should visit classrooms and observe teachers. They should apply pressure to school boards and administrators to fire incompetents. They should seek ways to undermine credentialism; for example, urging school districts to hire as teachers able and exciting people who don't happen to have teaching certificates. Citizens will have to fight a lot of little battles, but once the facade begins to crack, it could crumble quickly.

— Bring Back Requirements. In the last decade and a half the cry of "academic freedom" has led to a wholesale elimination of secondary school requirements, not just in math and science but in English, history, and other subjects. Much as they may lament illiteracy among high school graduates, colleges have been a major culprit in this development by lowering their own admission standards to attract more students. More is needed than going "back to basics;" rote memorization of multiplication tables and verb conjugations is no substitute for teaching students how to reason with numbers or express themselves in writing. Even so, at least two years of American history and government, four years of English, and at least two years of math, science, and a foreign language should be considered an absolute minimum for any high school graduate, college-bound or not.
What is to be done?
Continued from page 1

— Bring Back Flunking. In many school districts, a phenomenon known as "social promotion" has made flunked students nearly obsolete. The theory's adherents say it's better to pass a slow-learning student on to the next grade because the "stigma" of failure will do far more psychological damage than any loss in achievement. The policy is a cruel hoax; students who aren't failed most certainly will fail in the real world. No small thanks to social promotion, an estimated 13 percent of our high school graduates can't read past a sixth-grade level.

— Smash Credentialism. Teachers should be required to have a bachelor's degree in the subject they wish to teach. Beyond that, performance should determine employment. A new teacher should be intensively supervised by a senior teacher the first year; useful methodology courses should be taken during the school year or over a summer vacation. (A few teachers' colleges already use this technique; the graduates of Cambridge, Massachusetts's Lesley College for example, are some of the most highly prized teachers in the profession.)

— Abolish Existing Tenure Laws. Most teachers now get tenure after only three years. This gives far too many of them jobs for as long as they want them, protecting those who have no business being in the classroom. A better scheme would offer contracts of increasing duration—one, three, and then five years, for example. If a school district elected not to renew a contract upon its expiration, teachers could not appeal the decision.

Abolishing tenure not only would give schools far more flexibility in upgrading their teaching staffs, but would encourage people to enter the profession for short stints. Attracting the best graduates of our top colleges for two or three year periods—as the Peace Corps does with its overseas teaching programs—would inject some youthful energy into the profession. Many of those same people, who would make excellent teachers because of their knowledge of their subjects, are now driven away from the profession by the education course requirements. Once in the classroom some may decide to make a teaching career. Such a system would also encourage people in the middle of careers elsewhere to try teaching, thus giving students valuable insights into the workings of the outside world.

— To Each According To His Ability.... The current method of compensating teachers solely on the basis of seniority and college degrees is senseless, unfair, and one of the cruelest tricks unions play on our children. By rewarding incompetent teachers and making the good ones wonder why they even bother, this system does more to undermine excellence in the public schools than almost anything else. Teachers should be paid according to how well they perform, as measured not only by tests and administrators, but by fellow teachers, parents, and students.

For teachers with badly needed skills in math and science, school districts should pay what's necessary to attract qualified people. Not doing so only insures that most of their students remain ignorant of subjects they can't afford to remain ignorant of, especially in an age of electronics and high technology.

— Quarantine the Aggressors. It's na"ive to suggest that every child in public school can be transformed into an attentive student by even the best of teachers. It takes only a few acts of violence and disruption to poison the whole learning atmosphere; as a result, many of our urban classrooms would drive away even the most dedicated of teachers. The unions have a legitimate grievance here: teachers must be given far more authority to rid themselves of troublesome students so they can focus on teaching those who have shown some willingness to learn.

The model for most of these changes, if you haven't guessed by now, is the institution liberals often denigrate in public but turn to as parents: the private schools. These parents do so in the belief that private schools, usually with less money and lower-paid teachers, do a better job of educating their children.

They're right, at least according to a massive report last year by University of Chicago sociologist James Coleman that examined 60,000 high school students in public and private schools. Fellow sociologists have severely criticized Coleman's methodology in reaching this conclusion, and some of the criticisms may be valid. But Coleman's most significant finding is indisputable: both the teachers and students in private schools work harder than their public counterparts. Twice as many private school students have more than an hour of homework a night, and almost three times as many are taking a third-year language course. Private schools not only expect more of their students, they get more—and at the behest of teachers who often lack the credentials public schools would require. So the nation's private schools have many valuable lessons to offer. But there's one more, major change that's required to rescue our public schools, and it's by far the most important:

— Fire Incompetent teachers. Only the wholesale dismissal of incompetent teachers will give our public schools a reasonable chance for survival. Yet most people, especially liberals, reel in horror at this unpleasant prospect. They instead urge
compassion" and "understanding," as if poorly educated, uninspired teachers can be miraculously transformed into models of excellence. But just as the reluctance to rid the classroom of a few disruptive students can ruin the learning process for everyone, the refusal to make the necessary judgments about the abilities of our teachers will doom our public schools to continued deterioration, and ultimate failure.

As our public schools fail, the victims won't be just the millions of poorly educated children relegated to lives spent on the welfare rolls and in the unemployment lines. All of us will suffer. A nation of citizens ignorant of basic skills cannot hope to prosper economically in an increasingly competitive world. More importantly, we can ill afford to become a nation in which most of us lack a basic understanding of how our fellow citizens live.

Unpalatable as firings may be, we simply have no other choice. True, clearing our classrooms of bad teachers won't be easy. Many nice, likable people will have to be fired. The power of the teachers' unions to protect and reward incompetents must be broken. But to settle for anything less than the best teachers is to betray one of the fundamental tenets of our democratic society — that every child, regardless of circumstances of birth, deserves an equal opportunity for a quality education. America certainly has never succeeded in fulfilling the promise of the public schools. But if people continue to abandon the public schools, either by taking their own children out of them or refusing to acknowledge what must be done to save them, we should stop kidding ourselves — and admit it was a promise we never really meant to keep.
NAME: James D. Moose  DATE: 2-
ADDRESS: Box 1198, Kalispell, Montana
PHONE: 755-8020 (office), 257-4464 (home)
REPRESENTING WHOM? Self & New Covenant Christian School
APPEARING ON WHICH PROPOSAL: SB 253
COMMENTS: Object principally to regulation of substance or teaching techniques, on the basis that such regulation goes to the very integrity of the Christian School Program.
Object to certification proposals, hire of administrators & teachers as unnecessarily burdensome.
Object to entry of state into active regulation of Christian Schools, when no problems or deficiencies presently exist & children are testing well above norms.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Chris McBee

DATE: 2/2/83

ADDRESS: 302-D So 16th Bozeman, MT 59715

PHONE: 586-1189

REPRESENTING WHOM? Taxpayers Educational Association

APPEARING ON WHICH PROPOSAL: Senate Bill 253


COMMENTS: See prepared statement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
The Taxpayers Educational Association is vehemently opposed to the passage of Senate Bill #253.

It is our feeling that this bill is a reactionary, and oppressive measure designed to crush the bloom of a multitude of small, independent, and often religiously based private schools. Amongst this is the home school movement.

We view the emergence of these sometimes unorthodox educational alternatives with relief in comparison to a stagnant, bloating, and tax gobbling public system.

The increasing need for remedial work in arithmetic and language skills for freshmen entering our universities has not escaped our notice. Our public school system is failing to produce in our children the general level of excellence commensurate with the cost per pupil.

We note that the authority to approve or reject a nonpublic school's statement of compliance will reside as an additional duty for the county superintendent. Included in the authority is the final approval or rejection of those chosen by private religious schools for administrative and teaching purposes.

As the guest speaker of the Taxpayers Educational Association on January 31, 1983, Margaret Brown, Gallatin County Superintendent of Schools was asked if she felt that it was appropriately within the scope of her public office and personal ability to approve or disapprove of choices which private secular or religious schools make in selecting their administrative and teaching staff. She replied that she would be "very uncomfortable" with the responsibility and would prefer to "only make recommendations" in that regard.

It is the view of the T.E.A. that the proposed additional authority for the county superintendents is a gross abridgement of the constitutional separation of church and state.
In addition, the exercise of approval or rejection of teaching and administrative personnel for sectarian schools will undoubtedly be held as unconstitutional aid to sectarian schools, prohibited by Article X section 6, in light of the ambiguous and unsupportable criteria for compliance given in the newly proposed section four.

The requirement that private schools only employ as administrators or teachers those under written contract who (a) are certified to teach in any state or (b) preparing for certification must surely have been instigated by the M.E.A. or the N.E.A. Their stranglehold on the American education establishment can only foster and encourage an already present philosophical inbreeding and ultimate qualitative degeneration.

In Hinton Vs. Kentucky State Board of Education and Michigan Vs. Nobel the courts held that the states had not been able to show any evidence that certified teachers produce better results than uncertified. Professor Donald Erikson of the University of San Francisco testified as an expert witness that students in private schools consistently do better on standardized tests than public school students even though many private schools do not require teacher certification.

The possibility that a prospective administrator or teacher may qualify by providing (c)"evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school." is so ambiguous as to be totally worthless.

It has been expressed that legislation of the nature of SB 253 is necessary to supposedly prevent a minority of parents from keeping their children home and not providing them with any education at all, thus abusing the children.
Please refer to the attached study performed by ophthalmologist Henry Hilgartner of Austin Texas.

This study, covering more than fifty years, describes the effect which compulsory enrollment at decreasing ages has had on the incidence of myopia or near-sightedness.

In addition, there is the continuing push by the education establishment to enter children into formalized education programs at ever younger ages. This is completely contrary to the findings of such noted researchers as;

Dr. Louise Bates Ames  Gesell Institute
Dr. Frances Ilg  Gesell Institute
Jean Piaget  Swiss Psychologist
Uri Bronfenbrenner  Cornell University

Their published findings indicate that the optimum time in a child's life for introducing formalized education is in early adolescence, not from 3 to five years of age.

Abuse? Yes, we will see abuse, but it is doubtful that it would ever match the level presently institutionalized in our public schools.

The Taxpayers Educational association applauds the innovative spirit within the private and home-school concept and views the reduction of pupils in the public system as an event which will eventually lead to the enhancement of the quality of the public schools.

Referring to the Bozeman Daily Chronicle clipping, we are becoming unable to meet the monetary demands of even basic teaching and maintenance programs.

Property owners are tired of continually digging deeper to pay costs and now we are being asked to pay for the policing of the private schools. Enough is Enough.
Feb. 7, 1985

Form CS-34
-79

NAME: Mrs. Mary Doubek

ADDRESS: 7445 N. Mont. Ave

WHOM DO YOU REPRESENT: Myself, Private debts, Children, Pensions

SUPPORT: OPPOSE

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My statement is in your possession.
Feb. 2, 1983

Mrs. Mary Doubek
7645 North Montana
Helena, Montana
59601

Feb. 2, 1983

Whom It May Concern:

I am Mrs. Mary E. Doubek, wife and mother of ten children, certified teacher K-12, and I speak in opposition to S.B. 253.

I am a firm believer in the importance of private schools. I am opposed to a monopoly of public schools with no or little freedom of choice to those who wish to have their children attend schools which reflect their values, their philosophy, the beliefs which are so important for students to learn so as to make their way in the world as good children of God and useful citizens in our country and community.

Parents are the primary educators of their children and should have the right to choose which schools their children attend if the public schools dictate the rules and control the private schools, calling the shots so to speak, then the private schools will simply be a duplicate or a reflection of the public schools. Why should the state board impose controls on these private schools? There should be freedom of choice in education. With so much criticism of the education which children are receiving today in the public schools, in some cases, the lack of it, why should the powers structure and control of private schools be subject to review of public school authorities?

Personally, I have had many problems with teaching in the public schools and have found the education there to be frequently in conflict with my religious principles as evidenced by the entries in my black book which I submit for your perusal. To name just a few: textbook selection problems, evolution versus creation, behavior modification indoctrination, top of values which are opposed by me and my church. Some of these issues are just a few of the most prominent issues.

Iredudled at a private home school for several years ago I was aghast at the
deficiency in the education of these children who were in seventh and eighth grades. They were average or better than average students yet they apparently by testing made of third grade competency. That was when they first came into my Home School. They entered a year later much more qualified on ahead of Arithmetic, Spelling, English, Reading, History and Geography. Of course in my school Religion was the most important subject.

Whenever we ask, "Why did God make you?" Our answer is -- "He made us to know Him, to love Him and to serve Him in this world and to be happy with Him forever in the next." We must premise the right to teach children in private schools renumbered by the controllers of another philosophy.

Please rate against 513 253 -

Thank You,

Respectfully,

Mrs. Mary E. Doubek
By THOMAS KOTYNSKI
Tribune Capitol Bureau

HELENA - Mary Doubek, a Helena homemaker and activist, thinks parents aren't getting upset over the sex education in the public schools issue because they aren't aware of what is being taught.

Doubek, who made her mark in the early 1980s fighting ratification of the Equal Rights Amendment, is taking on sex education in the public schools in the '80s.

She's opposed to sex education in the schools because she believes it violates parental and religious rights. Where sex education is taught there is no way to escape the teaching of values that might conflict with parental and church teaching, she believes.

And she fears the dominant value espoused will be that of secular humanism.

The secular humanist believes there is no God, man is his own God and the state is his altar, she said.

"Under the guise of educating on sex, the teachers are insisting the values of secular humanism which the courts have defined as a religion," she said. "Secular humanism teaches non-moral, non-traditional values and takes a slap at religion. It gets the edge because if it's taught in schools, it has the air of respectability and parental endorsement."

She claims secular humanism encourages children to fashion their own values.

"They (the humanists) don't want us, the parents, to pass on traditional values," she said. "They want the children to make their own values."

The humanist approach when coupled with sex education has led to an increase in sexual activity outside marriage because children reason sexual activity is morally permissible, she said.

Doubek, the mother of seven children ages 9 to 31 and a traditional Catholic, said it is difficult for parents to discover what kind of sex education is being taught in the schools because it can be taught in home economics, physical education, health and even English courses.

She said she has no idea how extensive sex education is in Montana's public schools.

But she is leading the opposition to moves by the state Board of Public Education to explore the issue of requiring sex education in the schools.

Doubek doesn't buy the notion that sex education should be taught in the schools because parents have failed to instruct their children at home.

"How does anyone know what parents are doing?" Doubek asked in response to reports about increased teen pregnancy and venereal disease as a result of ignorance about sex.

She believes it is better for a child to get no information about sex rather than the wrong information taught in schools.

The statistics about teen-age pregnancy include married-teeners and are distorted by those who interpret them, she said.

She said wherever sex education is taking place in the public schools the incidents of teen pregnancy rise, "as proven in Russia, Sweden, Denmark."

Doubek notes the statistics on teen pregnancy in the United States were lower before sex education became fashionable, and have gone up since it became widespread in public schools.

She cites Dr. Melvin Anchell, a physician and psychiatrist from California, as an authority on sex education. She said he claims a child can be taught all that is needed to be known about sex in 15 minutes.

"But many school districts devote 150 hours to this fetish (sex education)," she said, "I think it's ridiculous to spend so much time on it. Children become obsessed with sex because of it. With that much time spent on it, it becomes a matter of character formation, not simply information."

Sex education should stress purity and modesty, something which can be taught at home, she said.

Sex education is also producing a "contraceptive mentality," she maintained, because children begin to feel everything is permissible as long as they don't get pregnant.

Doubek thinks mandatory sex education will result in intimidation of many children, who, if they choose not to attend classes, will be taunted by their peers. Others are embarrassed by a discussion of sex, she said.

Doubek believes sex education may violate the 1978 Hatch Amendment to the Education Provisions Act a law to protect student and parental rights in relation to public school programs and policies.

Sen. Orrin Hatch, R-Utah, the author of the amendment, has written the law requires the informed and written parental consent for any testing that is psychiatric in nature, which is not scholastic aptitude or achievement oriented. He said emphasis in the classroom should be on those that are not scholastic aptitude or achievement oriented.

Specifically, the amendment states no student shall be required to submit to testing in which the primary purpose is to reveal information concerning, among other things, sex behavior and attitudes; mental and psychological problems; and whether contraceptives are used.

Doubek believes sex education may violate the 1978 Hatch Amendment to the Education Provisions Act a law to protect student and parental rights in relation to public school programs and policies.

She said the Montana State Senate Council Convention endorsement of mandatory sex education will have on other students. Students talking to other students, encouraging mandatory sex education could be very instrumental in getting its approval, she said.

Doubek had a copy of a questionnaire given to delegates to the convention on Nov. 17 that asks such questions about the students' sex lives, such as if they had ever had sexual intercourse, when, and how often, and whether contraceptives are used.

Doubek believes there will be legislation during the 1981 Legislature requiring mandatory sex education, which she hopes will be defeated.
Ban-the-book movement loses in White Sulphur

WHITE SULPHUR SPRINGS - A budget hearing on four textbooks in the White Sulphur Springs schools Monday night when the local school board voted to endorse the books as it was.
IS THE WHITE SULPHUR SPRINGS SCHOOL SYSTEM LITERATURE
SHOCKING AND DEMORALIZING?

ARE OUR CHILDREN'S MORALS BEING UNDERMINED?

The following examples are taken directly from the literature books entitled
"Responding" by Ginn Co., recently purchased by the local high school.

Book Three (Grade 9)

p.7 "Real coy, boy. She's crazy for it. Just crazy. Real-crazy hungry chick, yeah."

p.7 "All right already. Jesus!"

p.96 I wanted to get back to Jackie and pot and the streets and stealing. This was
my way of life.

p.96 All of us would be in somebody's place, usually one of the girls', and we'd be
turning on, the reefer making everybody's head light, or the whisky aglow in our
middles.

p.100 (a poem) The Murder of Two Men by a Young Kid

Wearing Lemon-colored Gloves


NOW

p.174 (a poem) from the Black Riders
In the desert
I saw a creature, naked, bestial,
Who, squatting upon the ground,
Held his heart in his hands,
And ate of it.
I said, "Is it good, friend?"
"It is bitter - bitter," he answered
"But I like it
Because it is bitter,
And because it is my heart."

p.263 I uncreased the bill, tenderly as you may imagine, it just having come from
between the two smoothest scoops of vanilla I had ever known were there,

p.271 ... he had been cruel to animals; he had trafficked with whores...

p.273 "C'mon he was screaming to the sky, "c'mon you bastard..."

p.274 He shuffled ahead of me without answering; his oxlike behind should have had
a tail on it to flick the flies away-it infuriated me. "You goddamn liar!" I said.

p.326 He was hurting too much, needing the quick jab of the sharp sweet point and the
hot flow of the stuff in his veins.

p.368 For the most part, my uncle Melik replied, we are an agricultural people,
although we have had our brilliant men, too.

Book Four (Grade 10)

p.327 "Have you Bastards taken Madrid."

p.354 "And you can give all those poor bastards a personal message from me."

p.374 "Don't you want some gas, nigger?"

p.374 "Then why the hell don't you ask for it nigger?"

p.374 "Hell nigger, this goddamn thing'll take more'n ten gallons won't it?"

p.379 "I could cut his throat just so, zip! zip!" "Out of his neck a gush of blood would
spout onto the sheet, on the chair, on my hands, on the floor."

Book Five (Grade 11)

p.193 Look at that chick! Look at that de-light under the light! So round, so firm,
so fully packed!

p.326 He don't even know how old he is! My guess is, too young to know what his
parts are for.

p.330 Below your Irish nose, you fat-mouthed mackerel snatchers... You son of a
p.308 He was dressed as poorly as any Negro. From behing his back, he produced a brown rag doll, looked at her again, then grabbed the doll by its legs, and tore it partway up the middle. Then he jammed his finger into the rip between the doll's legs. The other men laughed uproariously.

p.368 Old men remind her that a few years back they rode her hobby-horse upon their knees. Karintha smiled, and indulges them when she is in the mood for it.

p.372 "Take off her clothes, Jack," Les said. "I've got her. She can't get away as long as I'm holding her."

p.373 I got Jenny's dress off and tossed it on the bushes so it would not get covered with muck.

p.373 "Hurry and take her clothes off."

p.374 Les had begun to spread the muck over her, rubbing it into her skin. He took a handful and smeared it over her legs and thighs and stomach. Then he took another handful and rubbed it over her shoulders and breasts. Jenny still did not attempt to move, though she squirmed a little when Les rubbed the most tender parts of her body with the mass of rotted leaves and mud.

p.374 When my hands moved over her, I could feel that her body was much softer than mine, and that parts of her were very soft. When I smeared the slick mud over her breasts, it felt so smooth and soft that I was afraid to touch her there again.

Book Six (Grade 12)

Forward: There is nothing in this book that represents an official literary tradition, nothing that illustrates some fact that literary history or literary style or literary convention.

p.73 Because he had lived with more women from time to time and place to place than the average man could even shake a stick at.

p.86 One of the girls, who is only sixteen has gotten pregnant and everyone knows that it is all on account of the science instructor, who is a drip. We are waiting to see if he will marry her...

p.102 "You can't catch me, Jimmy!"

Laughing, the naked girl ran off and disappeared in the heavy mists.

p.104 From the music of their voices she knew they were splashing water in a stream and lying naked on the grassy banks beside the water.

p.109 (a poem) We Real Cool

We real cool. We
Left school. We
Lurk late. We
Strike straight. We
Sing sin. We
Thin gin. We
Jazz June. We
Die soon.

p.121 "Jesus God in heaven!"

p.152 A few of the younger teachers at school smoke marijuana themselves.

p.212 "You'd go off with a nigger for a packet of chocolate,"

p.246 "And this time pray Catholic. I don't know nothing 'bout Baptist, and don't want know nothing 'bout him.

p.294 "She would of been a good woman," The Misfit said, "if it had been somebody there to shoot her every minute of her life."

p.77 "No crap....Goddam it to hell," Lil' Buddy said then, "why don't it come on?"

"Son of a bitch," I said.

These accounts are just a few of the many which can be found in the contents of these new literature books. We encourage you to have your child bring his or her literature book home, so you yourself can read them. They are available at the high school office upon request. There will be notice of a public meeting on this matter, we hope you will attend. A petition has been drawn up and will be circulated.

Thank you.

The Concerned People of Meagher County for Better Education
1. **It is unconstitutional**
   a. William Bell - ACSI constitutional lawyer  
      p. 5, 11-13
   b. Attorney General - speaking of review programs by the Board of Public Education concerning private institutions ... "this review may not post teacher certification requirements upon teachers, librarians, and guidance counselors."

2. **It is too vague and open-ended - giving Board power**
   a. The parents verification of school's compliance.  
      serious burden on parent  
      50-100 parents - each must file  
      One parent says one thing - another something else.
   b. Instruction equivalent to board's program.
      Equivalent in what way?  
      quality?  
      subject matter?  
      student performance?  
      curriculum?  
      length of the course?  
      too vague & therefore unconstitutional
   c. Qualifications of Administrators and Teachers
      1. "written contract" - none of states business
      2. "evidence of acceptable experience" - who passes judgement on the evidence or what is acceptable?
      3. "clearly identified criteria" - who's criteria?
      4. This whole section - weak & vague - leaves broad provisions.
   d. Student Records
      1. "measurement of achievement" - what kind of measurement

*Pastor Jim Hearing - Principal Billings Christian School*
3. **From William Gentry Bell**

Gives enormous latitude & power to the Board of Education

By a parent's statement and/or on any various criteria because of the vagueness and openendedness of this bill; the state board has the power to reject a school's compliance with criteria.

4. The Board of Public Education not qualified to judge & regulate our private schools.

   a. approximately 64 million Americans functionally illiterate -- 300,000 who come out of our American high schools each year.

   b. Mrs. Bower (ex-Yellowstone County Superintendent) said she did not have time to check up on and regulate private schools - did not even have time to check up on her own schools.

   c. Truancy officer - too much to handle already.

   d. Hundreds of people leave public schools in favor of private & Christian schools & they still pay taxes as well as tuition payments - many dissatisfied with education getting in public schools - with certified teachers.

   e. Reader's Digest p. 187, 188

   "Perhaps the most important lesson of private schools - and one Coleman unfortunately didn't examine - involves teachers. Almost no private schools require teaching certificates; instead, the emphasis is on whether instructors know their subjects and can teach them well. Although pay in private schools is substantially lower, outstanding performance is usually rewarded with merit pay. Teachers who prove to be incompetent can be more readily fired, or simply not rehired.

   Compare this with public schools, where only people with proper credentials can teach, and where teachers are paid, without regard to ability, according to seniority, advancement and the possession of academic degrees. This system protects incompetent teachers and demoralizes excellent ones."
f. This will only be further overload to a school board who can't control the schools they should be responsible for.

5. This bill would give the Board of Education the legal right to literally administrate the program of our church as well as our school. This seems to be a direct violation of separation of Church and state.

SUMMARY

I, too, am concerned about educational abuse of some parents who hide behind the guise of home and private education. But, we cannot allow this to take away our freedom. I am willing to help come to some solution on this issue, but I am also ready and willing to do whatever is necessary to uphold the freedom we have under the Constitution of the United States and to pastor the people of the church to which God has called me.

ACSI
Our attorney - constitutional lawyer has a legal opinion forthcoming concerning ACSI stand. Could you please withhold vote until it comes?

Thank you

Pastor for Hearing
Constitutional Protection of Christian Schools

William Bentley Ball

Association of Christian Schools International
Mr. Ball is a constitutional lawyer who has been lead counsel in litigations in 20 states and in 19 cases in the Supreme Court of the United States, including the landmark decision in the Amish Case, Wisconsin v. Yoder and California v. Grace Brethren et al. He is a member of the bars of New York, Pennsylvania, Supreme Court of the United States; U.S. Court of Appeals, 7th Circuit; U.S. Court of Appeals, 3rd Circuit; U.S. Court of Appeals, 5th Circuit; U.S. Court of Appeals, 9th Circuit; U.S. Court of Appeals for the District of Columbia Circuit.
February 7, 1983

Mr. Bob Brown
Senate Education Committee
Capitol Station
Helena MT 59620

Dear Mr. Brown:

I was unable to testify at the Senate Education Committee Hearing on Senate Bill #253 last Wednesday, February 2.

I did, however, turn in my report stating that a legal opinion from William Bentley Ball, the attorney for the Association of Christian Schools International, would be forthcoming. Enclosed you will find that opinion.

Thank you.

Sincerely,

Pastor Jim Hearing
Pastor Jim Hearing
Principal/Administrator

JH:km

Enclosure
February 2, 1983

Mr. Allen D. Gunderson
Chairman
Board of Public Education of
the State of Montana
33 South Last Chance Gulch
Helena, Montana 59620

Senate Bill 253

Dear Mr. Gunderson:

I write you in your capacity as Chairman of the Montana Board of Public Education. You may recall our correspondence about a year ago concerning state regulation of religious schools. I had not responded to your gracious letter of January 22, 1982, but can now state that I appreciated it very much.

The clients whom I presently represent in Montana are the Association of Christian Schools International and a member school of that organization, Billings Christian School. ACSI has excellent schools throughout the USA and abroad, and the leaders of these schools are not of the type who are "again the government" or given to imaginings that the government is out to get them. However, as non-tax-supported private religious schools, they are most anxious to preserve the liberties which they believe the Constitution guarantees them.

At their request, I have carefully reviewed Senate Bill 253. I must tell you, as a brother attorney, that this bill contains some whopping problems of statutory vagueness and administrative difficulty which, I believe, can hurt my clients - but which can also plague the State. Let me explain.
First, the process, as set up by Section 20-5-102(2), may prove quite difficult to administer. The enrollment of a child is to be verified by either the parent/guardian or the "school authority" (presumably, but not certainly, the private school authority). If the parents do so, two problems result: (a) there may be all manner of different, or conflicting "statements", (b) the parent, in such case, is put to the job of "demonstrating the school's compliance" with the six criteria (including their sub-parts). I do not see how a parent can possibly undertake any such task (e.g., of determining equivalency under Criterion (i)). Who, by the way, is to choose whether the parents or the "school authority" will do the filing? What does "demonstrate" involve? Surely, more than merely averring that each of the six criteria is complied with. But what, then?

Second, Criterion (i) states that the private school must provide instruction "at least equivalent to the program prescribed by the board of education pursuant to 20-7-111 . . .." "Equivalent" is a very unclear term. We can envision "equivalent" (a) in quality, (b) in hours devoted to a program item, (c) in program item, (d) in content of program, (e) in teachers teaching a program. And who will decide what is "equivalent"? If the County Superintendent, then he is given no standards for determination, and that, I would think, results in an unconstitutional delegation of power. It certainly poses a major First Amendment problem where religious schools are concerned - or indeed any private, non-tax-supported schools. And I see this provision as causing no end of administrative grief.

Third, the provisions of Criteria (iv) and (v) are loaded with problems. At the outset, whether a contract is written, oral, or non-existent is scarcely the State's business. That is emphatically the case where religious schools are involved. They are not, in any way, to be the subject of labor relation provisions of law, as the various NLRB cases so well show.

However, beyond that, is the wording of the option, "or provided evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school." Just to raise a few inevitable
questions reveals the difficulties with which this language is pregnant. What sort of "evidence"? To whom is the educational experience to be "acceptable"? The standard given to measure "acceptable" is too broad for you and too broad for my clients: "according to clearly identified criteria." Whose "criteria"? Who says they are "criteria"? I quite realize the good will of the drafters in trying to give acknowledgement to the "educational goals of the school", and I do not mean to be picky. If it is the Board's real intent simply to say that the private schools may establish their own criteria, that should be flatly stated. But in the case of the Christian schools, a further problem arises: the State is given power to reject the "statement". Included in that is the power to pass upon the question of whether the "criteria" are in fact "consistent with the educational goals of the school." If the goal of my clients' schools is to inculcate Christian doctrine, dare we let the State pass on the question of whether it is accomplishing that job? I think not.

Fourth, Criterion (vi)'s use of the words "measure of achievement" is, I fear, the employment of wide-open wording, with wide-open consequences quite possible. The State can examine the report, and then act as a super-principal and conclude either that the "measure" was unacceptable, the "measurement" inaccurate, or the achievement itself inadequate.

Fifth, subsection (3) simply confers total power on the State to render a school inoperable for compulsory attendance purposes. I won't now, Mr. Gunderson, cite all the cases supporting the proposition that, where First Amendment liberties are involved, government, in regulating, must proceed with "narrow specificity", but that is a point of absolutely basic importance here.

In conclusion, I think Senate Bill 253 is quite bad — absolutely vulnerable constitutionally, but also a can of worms for you people.
I'd like to be of positive help to you if I could be. I'm not trying to be presumptuous in saying that. I believe that a statute protective of the public interest and of educational and religious liberties can be drafted.

Very truly yours,

William B. Ball

cc: Rev. Jim Hearing
    Dr. Paul A. Kienel
NAME: Glenn R. Lindsey
DATE: 2/2/83

ADDRESS: Box 478, Valier, MT 59488

PHONE: 279-8229

REPRESENTING WHOM? Grace Gospel Church

APPEARING ON WHICH PROPOSAL: HB 253

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: _______________________________________

_____________________________________

_____________________________________

_____________________________________

_____________________________________

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
February 2, 1983

Senate Education Committee
State Capitol
Helena, MT 59620

Dear Chairman and Members of the Senate Education Committee:

I wish to submit the following testimony in response to the proposed Senate Bill 253.

As a born-again follower of Jesus Christ and a minister of God's Word, I must stand as being unequivocally opposed to this proposed legislation for spiritual, legal and practical reasons. Some of which are:

1. This legislation proposes to bring under the authority of the Board of Public Education and the Office of Public Instruction the God-mandated right of every Christian the responsibility to teach their children in a manner consistent with the principles of God's Word (Duet. 6:7).

Colossians 2:8 (amp.) says, "See to it that no one carries you off as spoil or makes you yourselves captive by his so-called philosophy and intellectualism, and vain deceit (idle fancies and plain nonsense), following human tradition - men's ideas of the material (rather than the spiritual) world..."

Since education of our children is an integral part of the ministry that God requires of me as a believer in Jesus Christ, I would be placed in direct violation of God's spiritual commands and the 1st amendment privilege our constitution states is guaranteed every citizen of this great country.

2. Certification of the nation's teachers in no way appears to have insured the academic success of our nation's students as school records show student SAT scores have declined 19 out of the last 20 years. Yet in the last two decades there has been nearly a six-fold increase in expenditures for public education.

3. Certification of teachers has apparently not guaranteed quality in the ranks of professional teachers as attested to by numerous studies done around the school districts of the nation. For example, Lemon Grove, California, School District...
gave a "basic skills" test aimed at eighth-grade levels to certified prospective teachers...35% flunked one or more parts.

In conclusion, I would like to say that this state provides, as a legitimate choice, public education. I have no qualms with the state providing such. But please note that the church has a greater right to provide and exercise its God-granted responsibility to educate its children and the state should therefore abstain from seeking to exercise control with this unnecessary and unconstitutional legislation.

Respectfully yours,

[Signature]

Pastor Glenn R. Lindsey
NAME: BILL KoERNER
DATE: 2 Feb 83

ADDRESS: 2505 N Huy 93 Hamilton, Montana 59840

PHONE: 961 - 4544

REPRESENTING WHOM? INDEPENDENT AMERICANS

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? _______ AMEND? _______ OPPOSE? 

COMMENTS: THE AMERICAN PUBLIC HAS FOR YERARS PRESSED FOR REDUCED SPENDING, TAXES & CONTROLS OF BIG GOVERNMENT AND YET THIS BILL PRESSS TO DO JUST THE OPPOSITE, PRIVATE SCHOOLS ARE A WELCOME ALTERNATIVE TO THE FAILING PUBLIC SUPPORTED GOVERNMENT CONTROLLED SCHOOLS, WHAT COULD POSSIBLY BE THE PURPOSE OF THIS BILL OTHER THAN PEOPLE CONTROL A PHILOSOPHY OF THE SOCIALISTIC COUNTRIES, THE CHILDREN OF THIS NATION ARE NOT THE WARS OF THE STATE THEY ARE AND EVER SHALL BE THE RESPONSIBILITY OF THE PARENTS AND THE PARENTS MUST HAVE THE PRIVILEGE TO EDUCATE THEIR OWN FLESH & BLOOD IN ACCORDANCE WITH THE DICTATES OF THEIR OWN CONSCIENCE FOR THIS MILLIONS HAVE DIED INCLUDING JOHN SINGOR OF UTAH AND FOR THIS MILLIONS OF OTHERS ARE ALSO WILING TO DIE PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. RATHER THAN SUBMIT, INSURRECTION IS RAMPANT ACROSS OUR COUNTRY, RIOTS IN MIAMI, VIOLENCES IN THE TRUCKING INDUSTRY, MURDER OF MEN BY GOVERNMENT AGENTS IS BECOMING COMMON PLACE, THIS BILL WILL ADD TO THE SPIRIT OF REBELLION & REVOLUTION ALREADY SO PREVALENT TODAY.
Why should the Board of Education have appellate power? Isn't that a violation of the separation of powers guaranteed in the U.S. Constitution? Board of Education is part of the executive branch and appeal power rests with the judicial branch. Do you really think that those who administer or make the law can honestly judge any appeals?

You all know that they cannot. That's why the founding fathers separated these powers.

Bill O'Brien
February 1, 1983

Honorable Senators:

My opposition to SB253 is based, first of all, on my realization of my parental responsibility. I believe strongly that children should be educated properly. I believe it is the parent's responsibility to train them. It is not an option, it is a command from God. Yet the bill before us today does an injustice to the principle of parental responsibility over children. This bill will make the state the highest protector with the parents answering to the state. You may have an interest in our children, you may have the right to check out abuses and correct them, but you do not have the right to make each parent answerable to you, only because we choose not to send our children to your publicly funded schools.

My opposition to SB253 is based, secondly, on my love for God and His Word. God commands me to train up my children in the right way. So if I send my child to a school where he learns principles contrary to God's Word, I am responsible to God for my actions. Proverbs 19:27 says: "Cease my son, to hear the instruction that causeth to err from the words of knowledge." If my children are taught evolution rather than Biblical creationism, if they are taught situation ethics rather than Biblical standards, if they are taught the innate goodness of man rather than God's love for a fallen man--I am violating God's Word. The point I make is this. The education of my children is a spiritual responsibility. It is an exercise of my "religious" convictions. No local, state, or federal government has the right to tell me how I may serve my God. John Bunyan, the author of Pilgrim's Progress, refused to get governmental approval for his ministry. We, too, refuse to get governmental approval to practice our faith.

My opposition is also based on my love for this country. I love our land, its freedom, its opportunities, its accomplishments. The United States has been blessed. We have been a leader of almost every just cause the world has ever championed. America's love for God and her will to be free has made her great. Yet, SB253 is another attempt to take away the concept of individual achievement. Little by little, America is losing her greatness as she succumbs to the false security of letting "big brother," or "Uncle Sam," or the "Great Father in Washington" or some other "relative" take care of all her problems. But big government with all her regulations has never made anything that great after all. Certainly
in the area of education with more and more government control, the achievement scores have not increased, rather they have plummetted to all time lows. Your standards, imposed on our schools, will not insure quality education, just as they did not insure quality in your schools, and just like government approval did not avert the "Jim Jones" disaster. Surely this not the answer. We are willing to submit our children to achievement tests (as ours our even now) to prove their educational advancement, if you, too, will submit children in public schools, also. This country guarantees religious freedom and the "free exercise thereof." I love this land and our constitution. Yet SB 253 is contrary to this basic freedom.

Finally, my opposition to SB253 is based on my love for my children. First the government said our children could not pray in the schools, then they said they could not read their Bibles in school. Then they said the teachers could not talk about their Christian faith. Then they told us we could not hold Bible clubs on school grounds. Little by little the Bible, God, and His principles have been barred from the classroom. If that is not bad enough, the public schools have taught principles and concepts which are Godless and immoral. Finally we saw not other choice, than to start our own schools. They are not huge; they are not fancy. But they teach reading, writing, and arithmetic. They instill values, principles, and hope in children's hearts. They work. They worked before this bill was proposed. They will work after this bill is debated and disposed of. Please, leave us alone. You are welcome to visit our schools and to copy our methods, but we ask to be exempt from your regulations. We ask only to be left alone.

Respectfully submitted,

Joy Paul Schwenke

Sidney, MT
NAME: Raymond Jerker
DATE: 2-2-83

ADDRESS: P.O. Box 44 Pinedale, WY

PHONE: 961-3732

REPRESENTING WHOM? Pinedale High School District

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? AMEND? OPPOSE? 

COMMENTS: I feel SB 253 interferes greatly with the purpose that private schools have for being in existence.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Mrs. Virginia Baker
DATE: Feb. 2, 1983
ADDRESS: Rt. 1 Fairfield, MT 59436
PHONE: 467-3135
REPRESENTING WHOM? SELF
APPEARING ON WHICH PROPOSAL: SB 236
DO YOU: SUPPORT? AMEND? OPPOSE? 
COMMENTS: Home school interests

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
You ask me why I teach my children at home with Christian textbooks and Christian values?

Well, now, that's a good question. I know what you're thinking. The public schools have better facilities and trained teachers, and there may be some private school nearby. So why all this fuss and bother of setting up a separate school in my home? Why not teach the children religion only at home and in church?

But, you see, you've asked me something that gets right to the core of the meaning of life. If a home-located alternative learning arrangement meant simply tacking on a prayer each day, or an extra course in Bible study, it wouldn't be worth all the time and expense.

I teach my children at home because I believe that all of life is religious. God is at the center of everything. He made all things, He guides and controls them, and He demands that we, His creatures, honor Him as Lord and Savior in everything we do.

Of course that includes our studying, as well as our everyday work. It includes every part of life, without exception. It means that I can't be satisfied with submitting my children to Christian training at home and church only. As a parent, I'm responsible for those thirty or more important hours that they spend each week in school. Some of the most significant training of my children takes place in the school atmosphere. How can I leave God out of the picture here?

But, you say, what's the difference if my child studies arithmetic, history, literature or English in a public school or in a home school?

Much. I want my child to learn, from his parents, that all of life belongs to God and was made for Him.

—In science, I want him to know that he is studying God's laws for the universe and God's concept of origins. Honest scientific research does not teach theory for fact but supports God's word and a young earth.

—In history, I want him to see the unfolding of God's plan for the ages and the redemption of His people in a world which is totally meaningful and in which every event moves in terms of God's purpose.

—In arithmetic and mathematics, I want him to learn that there are absolute truths, and that mathematics is a cumulative development beginning with a strong foundation of arithmetic that is a part of the whole of knowledge. By developing his capacity to do critical thinking and logical reasoning through concrete mathematical problems, he will acquire confidence in his own powers of understanding this physical world.

—In literature, I want him to test other writers by Christian standards so that he will appreciate what is good and true and beautiful, and discern what is false or dishonoring to God.

—In reading, I want him to learn the phonetic principles of our language in a systematic, sequential manner. Our language is made up of letters that represent sounds, and it is absolutely imperative that beginning reading starts with phonics.

—In English, I want him to know the history behind our mother tongue and the precise grammatical structuring of our language.

—In civics, I want him to know that true government is ordained of God and that great political movements have powerful religious inceptions.

—In economics, I want him to learn Christian moral standards in the marketplace, placing emphasis upon the individual. I want him to learn the principles of honesty, decency, co-operation and fair play because these are rules that God has set up for the ordering of our lives together.

All this is a big order. It can't be accomplished in fifteen or thirty minutes a day. It takes everything we've got to instill in the hearts of our children that true fear of the Lord which is "the beginning of all wisdom."

Moses said it thousands of years ago. He told the people of Israel then how to bring up their children. This is how he said it:

"Therefore shall ye lay up these my words in your heart and in your soul, and bind them for a sign upon your hand, that they may be as frontlets between your eyes.

"And ye shall teach them your children, speaking of them when thou sittest in thine house, and when thou walkest by the way, when thou liest down, and when thou risest up.

"And thou shalt write them upon the door posts of thine house, and upon thy gates."

Jeremiah said: "Learn not the way of the heathen."

And Paul told the Ephesians: "Grow up into Him in all things. . . . Walk not as other Gentiles walk . . . being alienated from the life of God through the ignorance that is in them . . . Neither give place [opportunity] to the devil . . . and have no fellowship with the unfruitful works of darkness . . . Understand what the will of the Lord is."

This means Christian education—in all of life. This means training for eternity.

Expensive? Yes, of course, in both time and money. We pay our full share of taxes for the public schools, and we support our own school in addition to this.
But we count it a privilege to have this wonderful opportunity, in a land of freedom, to dedicate ourselves and our children entirely to God.

Would you like to know more about home schooling, if it is possible under the laws in your state, how to order textbooks, and a host of other information? You are invited to write me, and ask for:

TEACHING YOUR CHILDREN AT HOME

This book is for those parents who have already decided to teach their own children and don't know where or how to begin. It is packed with information and resources for material and textbooks to help parents set up their own home school.

Almost half the book answers the question, "Is it legal?" and contains an analysis of the compulsory attendance statutes of all the states and the alternative learning arrangements that avoid violation of those basic statutory requirements. Constitutional law is discussed thoroughly, detailing court decisions that have guaranteed certain fundamental rights to parents especially under the Ninth and Fourteenth Amendments. Sources are given for legal aid.

The author, who has taught her own children in all grades for over nine years, gives her grade-by-grade curriculum with specific textbooks listed and instructions on how to order them with the appropriate teacher's manuals and tests.

There is information on how to teach beginning reading with no prior experience for the parent, with sources for phonics books, elementary reading materials, and phonics records.

She discusses setting up a weekly schedule and how to arrange the day; where to place the "schoolroom" and how to place your child at his correct grade level. One section lists books and periodicals about education and setting up the school as a business.

A sample high school transcript is given, along with information on how the home-schooled pupil can enter college. Two of the author's children are currently in college, one a sophomore majoring in accounting and music, the other a senior majoring in science with a goal of veterinary medicine.

Please order TEACHING YOUR CHILDREN AT HOME from:
Virginia Birt Baker
Route 1, Box 25
Fairfield, MT 59436

The book is $7.00, plus $1.75 postage and handling for up to two books. Graduated discount prices for orders of three or more books.
Teaching
Your Children
at Home
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ADDRESS: Broadview Mt.
PHONE: 667-4419
REPRESENTING WHOM? Christian Liberty Academy - Broadview
APPEARING ON WHICH PROPOSAL: Senate Bill 253
COMMENTS: _____________________________________________


PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman and Committee Members:

My name is Sharon Sutton. I am from Broadview, Montana, where I teach at the Christian Liberty Academy in Broadview.

I am opposed to Senate Bill #253. I believe that the health and safety standard that would have to be met by private institutions would prevent children who are now receiving an adequate education from continuing simply because of where they are being educated. As parents, educators and lawmakers we need to concentrate on the “What” in private education rather than the “Where”.

My husband and I believe it is our God-given responsibility to train our children in obedience to God’s Word. In order to carry out that task in all subjects of education we have enrolled four of our five children in the accredited school of Christian Liberty Academy in Broadview. The State of Montana is presently in the process of prosecuting us for truancy. The state has not concerned itself with whether or not Jason, Nolan, Bridie and Chelsea Sutton are being educated - they have not even evaluated the curriculum. We are being prosecuted for truancy on the grounds of “where” the school is and “who” the teacher is.

(over)
To conclude, I would like to say that when making guidelines for private education, the education of children is what must be promoted rather than public structures and professional positions.

Thank you

Sharon Sutton
Broadview
Montana
59015
FEB. 21, 1983
WE, THE UNDERSIGNED, OPPOSE THE PROPOSED SCHOOL AMENDMENT TO SECTION 20-5-102 MCA.

IT READS THAT A CHILD BETWEEN THE AGES 7-16 MUST BE ENROLLED IN THE LOCAL PUBLIC SCHOOL OR IN A PRIVATE INSTITUTION THAT 1) IS HOUSED IN A BUILDING WHICH COMPLIES WITH LOCAL HEALTH AND SAFETY STANDARDS.

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NAME: Justin L. Falton
DATE: 2/8/83

ADDRESS: P.O. Box 599, Darby, MT

PHONE: 821-3680

REPRESENTING WHOM? Darby Baptist Temple

APPEARING ON WHICH PROPOSAL: SB 253


COMMENTS: __________________________________________________

_____________________________________________________________

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Hamilton, Fulton

DATE: Feb. 2, 1983

ADDRESS: 30, 3rd 006

PHONE: 821-3680

REPRESENTING WHOM: Darby Baptist Temple

APPEARING ON WHICH PROPOSAL: SB-253


COMMENTS: ____________________________

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
TESTIMONY

TO: Senate Education Committee/SB 253

BY: Pastor Justin L. Fulton, Darby Baptist Temple

Darby, MT

DATE: February 2, 1983

In the midst of a controversy which has been characterized by much reasoning and rationalization, it is of utmost importance that decisions be based upon principle. It is as evident in this case as in most others that evil always has many "good" reasons for existing. Reason without the proper foundational principles is as a house built upon sand. No institution, be it home, church, or government can stand for long upon the sands of reason.

First, all authorities must understand that it is God who has established government. Dan. 4:17,32 states, "...that the most High ruleth in the kingdom of men, and giveth it to whomsoever he will." This is true regardless of their personal morals or religious convictions, for verse 17 states, "...and setteth up over it the basest of men." It is God, therefore, who has ordained the powers that be. Rom. 3:2. According to this passage, all are to be subject to the higher powers. Colossians 1:15-19 speaks of Jesus Christ and the preeminence He holds: "who(Jesus) is the image of the invisible God, the first born of every creature: For by him were all things created, that are in heaven, and that are in earth, visible and invisible, whether they be thrones or dominions, or principalities, or powers: all things were created by him, and for him: And he is before all things and by him all things consist. And he is the head of the body, the church: who is the beginning, the firstborn from the dead; that in all things he might have the preeminence. For it pleased the Father that in him should all fulness dwell:" Please note his preeminence includes "thrones, dominions, principalities or powers." He is the creator and sustainer of all things. He is the Head of the institution of the local church which has outlasted all governments. Philipans 2:9-11 speaks of Christ as being "highly exalted." Unquestionably, Christ is the Highest Power over all governments, families, churches, and individuals.

Governments responsibility to God is clearly expressed in Rom.13:2-4. The powers are to be consistent with the "ordinance of God." They are to be the "minister of God." Their purpose is to be a "terror to evil", a revenger to execute wrath upon him that doeth evil." The purpose of subjection to the higher powers, therefore, is two-fold: 1) to bring wrath upon evil (evil by God's definition)-
clearly church education does not fit God's definition of evil; 2) to have a clear conscience void of rebellion against God's authority. No Christ honoring local church can with clear conscience subject its educational and training program to the dictates and standards (authority) of government, when God has clearly stated that Christ is the Head. When there arises a conflict, because of humanistic men who ignore or usurp God's sovereign position by dictating the teaching and training curriculum and staff of churches and families, we must say with the Apostle Peter, "We ought to obey God rather than men." Acts 5:29. SB-253 is an extreme example of this type of usurpation.

As to the responsibility of this committee to this bill (SB-253), the evils you are to be a "terror" to are innumerated in Rom. 13:9-10. "Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: therefore, love is the fulfilling of the law." SB-253 violates two of these commands.

For men to seek to usurp the supreme authority of Christ over a church by certifying the staff and prescribing its curriculum; to usurp the privileges, responsibilities, and authority of parents for the training of their children in a godly manner by assuming "state parentage"; to desire my children because of the dollars they are worth to the public school system, is the height of covetousness. The citizens of Montana should fully expect that you will protect us from this tyranny. No respectable man and certainly no God fearing parent would consider it loving for his neighbour to dictate how he should train his children, and, therefore, relinquish his parentage to the neighbour. Neither would we call it love if our neighbour began to assume "parentage" of our children and began to demand control of their minds. For two reasons, therefore, SB-253 conflicts with the moral responsibilities of government and should be voted against.
NAME: Flavine Jowell
ADDRESS: 559 Willow Creek Rd. Cornell
PHONE: 961-4387
REPRESENTING WHOM? Pine High
APPEARING ON WHICH PROPOSAL: Senate Bill 253
DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____
COMMENTS: There has appeared in some articles issues that would affect women living local
effects rape on our children. If the bill goes through I would like a few minutes
to relay some of these incidents before the Committee this day.
This land should be a land of freedom
we want to keep it that way
we please vote against S Bill 253

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME:  ERIK C. BERG  DATE:  2-2-83

ADDRESS:  BUNKHOUSE ROAD  DARBY, MT.  59829

PHONE:  (406)  821-365-1

REPRESENTING WHOM?  DARBY BAPTIST TEMPLE

APPEARING ON WHICH PROPOSAL:  2B 253


COMMENTS:  PL. SEE ATTACHED STATEMENT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
TO: the Senate Committee on Education

CONCERNING: Senate Bill No. 253

BY: Erik C. Berg
Darby, Montana

INTRODUCTION

I appreciate this opportunity to present my views to the Montana State Senate Committee on Education. My purpose in being here today is twofold:

1. to explain my convictions regarding the authority and responsibility of parents, and specifically of fathers, in education and

2. to urge you to oppose SB #253, an instrument that would allow the State to wrest authority from parents.

I am a father of three boys, two of whom attend Darby Baptist Temple church school.

FATHERS' RESPONSIBILITY AND AUTHORITY FOR THEIR CHILDREN'S EDUCATION IS GIVEN BY GOD

Fathers have been given clear direction and authority in the Word of God to train their children.

Deuteronomy 6:1-2 Now these are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it: That thou mightest fear the Lord thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son’s son, all the days of thy life; and that thy days may be prolonged.

Deuteronomy 6:6-9 And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates.

Proverbs 22:6 Train up a child in the way he should go: and when he is old, he will not depart from it.

Nowhere does the Bible give the State authority to educate children. This responsibility is given solely to parents. The word "train" in Proverbs 22:6 means to train in the sense of a continual process--never ending. At no time then, am I free to relinquish my responsibilities
for my children's education. I can not hand the training responsibilities over to somebody else at a "convenient age" of, say, six or seven years old. This task remains mine for life. SB #253 seeks to take this God-given responsibility from fathers like me.

The root of the word "train" means "to narrow." This means that it is my responsibility to show my children the narrow, biblical path that they are to walk. The public school system presents a broad, humanistic path that runs contrary to the Word of God.

Ephesians 6:4 commands that I bring my children up "in the nurture and admonition of the Lord." The word nurture means "disciplinary correction or chastening." I must, then, be free to discipline and instruct my children as I see fit based on Biblical admonition. SB #253 would take these rights away from me, since the intent of the bill is to vest the State Superintendent of Public Instruction with the authority to determine who is exempt from compulsory public school attendance. Curriculum would be subject to State approval, not God's approval, and so I could not be free to exercise my command to bring my children up in the nurture and admonition of the Lord.

PARENTAL RESPONSIBILITY IS SUSTAINED BY THE U.S. CONSTITUTION

Amendment I of the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." My children's Monday through Friday school is just as important and Bible-oriented as is our Sunday School. Freedom of religion is a constitutional right that does not turn on and off, with the day of the week, like a water faucet of convenience.

If the State controls our Monday school, the next step is control over the Sunday School. Interference with any church or parental ministry is clearly in conflict with the freedom of religion granted in the First Amendment.

The Fourteenth Amendment of the Constitution states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This clearly implies that freedom of religion sustained by the federal government shall not be infringed upon by the States.

THE MAIN ISSUE IS AUTHORITY

I could expound on a variety of reasons why SB #253 should be defeated. However, I believe the main issue here is one of authority.
As I have attempted to point out previously, SB #253 seeks to usurp God-given authority from parents and transfer it to the State. We must first decide what is **Biblically and fundamentally** right, then tailor our laws and actions to fit these foundational truths. Expediency is no excuse for violating God's Law.

I respectfully urge you to reject Senate Bill No. 253, in its entirety, thereby leaving the education of children up to God and parents.
NAME: Wilamena Berg  DATE: Feb 2, 1983

ADDRESS: Bunkhouse Rd Darby, Mt 59829

PHONE: (406) 821-3651

REPRESENTING WHOM? Darby Baptist Temple

APPEARING ON WHICH PROPOSAL: Senate Bill #253

DO YOU: SUPPORT? AMEND? OPPOSE? 

Please forgive the sloppiness of this written comment.

COMMENTS: I attended public schools through high school and graduated from The University of Idaho with a Bachelor of Science in Elementary Education and Special Education. At one point in time, just following graduation, I held teacher certification in both Idaho and Montana. I do not hold teacher certification now and do not desire to or feel that teacher certification, or a program leading to certification, enabled me to become a better teacher. Teachers purpose is to teach children to live with respect for authority as well as to impart knowledge of life. The training I received in public schools and the university did not equip me to fulfill these purposes. Teaching is a gift from God ( ) and training to impart life into children (and adults) can be found in the Bible, the Word of God (the author of life) and not in secular public institutions.
TO: Senate Committee on Education  
CONCERNING: Senate Bill No. 253  
BY: Wilamena Berg  
Darby, Montana  

With regard to SB #253, it sorely grieves my heart that it does not in any way take into consideration what God says in His Word about the responsibilities of government, parents and children in the area of instruction. After all, God created all things for His pleasure (Revelation 4:11, Colossians 1:16-19) and established the institutions of family, church and government; therefore, He expressly tells us how they are to operate, in His Word, in order to glorify Him. You have testimony concerning parental and governmental responsibilities and rights; so, I wish to speak on behalf of my children concerning their responsibilities and rights.

Throughout the Bible we can find many passages concerning the instruction of children. In fact, the book of Proverbs is devoted to the instruction of children, in particular a father to his son. In the first chapter of Proverbs we see the purpose of the book:

To know wisdom and instruction; to perceive the words of understanding; to receive the instruction of wisdom, justice, and judgment, and equity; to give subtilty to the simple, to the young man knowledge and discretion.... The fear of the Lord is the beginning of knowledge... (Proverbs 1:2-4, 7)

In essence the Bible instructs us concerning children's responsibilities and rights in instruction.

Children's rights, according to God's Word, are:
1. to have parents who love them and correct them with both the rod and reproof in order to bring about wisdom (Proverbs 3:12, 29:15; Hebrews 12:3-11)
2. to have parents who bring them up in the nurture and admonition of the Lord (Ephesians 6:4)
3. to have parents who train them in the way they should go; so that when they are old, they will not depart from that way (Proverbs 22:6)
4. to have parents who teach by speech and example God's commandments, as found in His Word, diligently, consistently, at all times and in every place (Deuteronomy 11:18-21) (This would not be possible with SB #253.)
Therefore shall ye lay up these my words in your heart and in your soul, and bind them for a sign upon your hand, that they may be as frontlets between your eyes. And ye shall teach them your children, speaking of them when thou sittest in thine house, and when thou walkest by the way, when thou liest down, and when thou risest up. And thou shalt write them upon the door posts of thine house, and upon thy gates: that your days may be multiplied, and the days of your children.

Please notice that these passages of scripture are directed to parents, not to persons "interested" in the welfare of children in general. God has commanded parents in the area of training their own children and parents, whether Christian or not, are accountable to only God for the training, or lack of training, of their children. SB #253 prohibits the free exercise of this God-given responsibility.

God is explicit about children's responsibilities:

Children obey your parents in all things; for this is well pleasing unto the Lord. (Colossians 3:20)

Proverbs 6:20-23 expresses children's responsibilities in accordance to parental teaching:

My son, keep thy father's commandment, and forsake not the law of thy mother: bind them continually upon thine heart, and tie them about thy neck. When thou goest, it shall lead thee; when thou sleepest, it shall keep thee; and when thou awakest, it shall talk with thee. For the commandment is a lamp; and the law is light; and reproofs of instruction are the way of life.

Children will answer to God concerning their behavior and attitude toward their parents and the instruction their parents have provided for them.

Senate Bill #253 will not allow my children to receive God-honoring, God-fearing, Bible-based instruction to which they have a right. By not allowing my children to receive the type of instruction adherent to the Word of God, you tamper with their preparation to meet the Lord God of the universe! Therefore, to protect my children's rights, which are my God-given responsibilities as a parent, I urge you to not even consider Senate Bill #253 in any form.
NAME:  LEE BARROWS  DATE:  FEB 2, 83

ADDRESS:  622 CAROL DRIVE  ABERY FALLS

PHONE:  (406) 453-7700

REPRESENTING WHOM?  CORNERSTONE CHRISTIAN COMMUNITY

APPEARING ON WHICH PROPOSAL:  SB 253

DO YOU:  SUPPORT?  AMEND?  OPPOSE?  XXX

COMMENTS:  (SEE ATTACHED STATEMENT).  

SB 253 IS AN EXAMPLE OF COMPLETELY
OVER REACTING TO AN ERRONEOUS CAUSE.
WE CANNOT AFFORD TO SELL OUR SOUL TO
GOVERNMENT CONTROL IN THE AREAS OF PARENTAL
RESPONSIBILITY/RIGHTS AND CHURCH SCHOOLS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
DATE: FEB 2, 1983

NAME: Pastor Donald P. Kelley

DATE: FEB 2, 1983

ADDRESS: P.O. Box 7, Toppen, MT 59531

PHONE: 292-3554

REPRESENTING WHOM? The Lord Jesus Christ, Grace Gospel Church, Liberty

APPEARING ON WHICH PROPOSAL: SB253

DO YOU: SUPPORT? ______ AMEND? _____ OPPOSE? XXX

COMMENTS: See supplemental statements.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Last year, I listened to a public school truancy officer from Billings and a Butte school superintendent tell the State Board of Education that the private school people were not the problem in Montana. They stated that from their experience, the parents of children enrolled in private schools were sacrificing to see that their children obtained the very best in education. The State Board of Education would not listen to them and now we have Senate Bill 253.

In this country, we have seen many benefits derived from our free enterprise system. We have even passed laws prohibiting monopolies so that the public is not controlled by the corporations. We have attempted to safeguard the individual citizen's right to choice. Yet, in the midst of all this freedom comes this inglorious bill, Senate Bill 253. This unGodly, unAmerican piece of legislation would effectively give the public school bureaucracy a monopoly over all of the education in Montana. Is private enterprise next?

I have been involved in private education for the last five years. We receive no government money while we pay our taxes which keep the public schools operative. We are not asking for money. We are not asking for help! We are not asking for bureaucratic red tape! We are asking to be left alone to educate our children according to our faith. Is that too much to ask in the land of the free and the home of the brave?

We love our children. We are sacrificing time, energy, and finances to ensure the very best for them. Please don't try to take away our God-given, constitutional rights by passing this subtle control bill. A vote against Senate Bill 253 is a vote for liberty! Thank You.

Pastor Donald P. Kelley
Box 7
Joplin, Montana 59531
292-3554

[Signature]
NAME: Steve Valentine  DATE: 2-2-83

ADDRESS: 140 S. 4th West

PHONE: 721-7804

REPRESENTING WHOM? Missoula Community Chapel

APPEARING ON WHICH PROPOSAL: S.D. 253


COMMENTS: I have a written request from Bethe to hand in. Thank you. [Signature]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
February 2, 1983

Senate Education Committee
State Capitol
Helena, Montana 59620

RE: Senate Bill 253

Senators,

The issue of who is responsible to insure the education of our children has come to the surface with Senate Bill 253. There is governmental concern to control the caliber of education students are receiving. This bill assumes the measuring rod of a good education is in the certification of teachers and facility, when, in fact, the measuring rod should be placed on the product the teachers and school system produces.

Parents are withdrawing their children from state accredited public schools which have state certified teachers. This indicates the certification of administrators and teachers has not produced a quality education satisfactory to the parents.

Parents, not the state, are responsible for their children's education. They should be allowed to send their children to whatever school they would choose, whether the school has certified teachers or not.

I urge you to drop Senate Bill 253 and allow parents the right to secure an education for their children without state interference.

Sincerely,

Stephen R. Valentine

SRV/cmv
NAME: Michael A. McGovern
DATE: 2/2/83

ADDRESS: 311 Ben Hogan Dr., Midland

PHONE: 543-5768

REPRESENTING WHOM? FOURSQUARE GOSPEL CHURCH

APPEARING ON WHICH PROPOSAL: SB-253


COMMENTS:

My written comments in opposition to Senate Bill 253 were submitted to those on the Senate Hearing.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Distinguished Members of the Senate,

My comments to you will be short and to the point because time is precious to all of us, and I know your schedule is undoubtedly very full.

I am a pastor, both of a church and a Christian day school, and would like to add my name to those in sincere opposition to SB-253. The reason for my opposition should be clearly manifest from the fact that there are such schools separated from the public ones.

The Bible-believing Christians agree that the family and the church are the only two agencies given by God to train up children. Nowhere in Scripture does the Bible say that government has a legitimate role in educating the child.

Christ is the Head of the church and families; not the state. SB-253 is an intrusion into the domain of God and is out of "Caesar's" realm.

Further, the Christian school has separated from public schools because it does not believe in the unholy dichotomy that exists in state-operated schools; that being, a division be upheld between the secular and the religious. The Bible demands that Christ be first in all things and that in everything Christians do, Christ is to be exalted. Christian children are not to be secular in education and religious in their church—they are to be religious, holy, and spiritual in every facet of their lives. Public schools, including teachers and curriculum, are simply unacceptable and often abominable to the Christian.

The products of public education based on existing teacher qualification and accreditation standards are sad reminders that humanistic education (which has rejected God for the last two decades) has failed.

I strongly oppose this bill on religious, moral, Biblical, and constitutional grounds. It is not a healthy piece of legislation; it is seriously disrupting and destructive. I urge you to terminate this bill in committee.

Sincerely in Christ,

Michael A. McGovern
Pastor

MAM/mjm

"And of His fulness have all we received, and grace for grace. John 1:16"
February 1, 1983

Dear Senators,

I am writing in response to Senate Bill 253. I am very strongly opposed to passage of this bill for several reasons.

First of all, the State of Montana should not get into the business of regulating Christian schools. They are ministries of the churches they represent and, thus, regulation would be infringement of religious liberty. If the State of Montana can mandate that only teachers who are certified to teach by the state can teach in a private Christian school, this means that only those persons who have been indoctrinated into a particular philosophy of education can teach in the state. At that point, you no longer have private schools, but rather all schools in the state have become state schools. You will have infringed upon the religious liberty of parents to decide what type of education is best for their children. Please continue to give us, as parents, the freedom of choice. Only parents have that authority; not the state.

Secondly, simply because a person has gone through the established program and is now "certified" by the state, this does not mean that this person is a good teacher or even has a good grasp of the material being taught. Evidence is not available to indicate that students taught by certified teachers learn more than those taught by non-certified teachers. In fact, the evidence available suggests just the opposite. A study done by C&B McGraw-Hill in September of 1976 which showed that the Accelerated Christian Education program students learned an additional .7 of achievement above the expected one year increase. This was without the use of "certified" teachers or curriculum.

Additionally, many of the private schools do not lend themselves to the traditional methods of education. I reference the A.C.E. program which is a progressive one-room classroom situation.

Instead of regulating private schools, we should test the amount of learning that is taking place through the use of national standardized tests. What a student learns is far more important than what credentials the teacher holds.

Please vote "NO" on Senate Bill 253.

Sincerely,

Kenneth L. Wise
Principal
Northside Chapel Foursquare Academy

KLW/mjm
NAME: Gregory Amundson
DATE: 2-2-83
ADDRESS: Box 7143
PHONE: 543-7617

REPRESENTING WHOM? Roundtable of MT.

APPEARING ON WHICH PROPOSAL: S.B. 253


COMMENTS: I have written a short letter. This bill infringes upon religious freedom.

Please leave any prepared statements with the Committee Secretary.
Senators,
George McCallum,

Please don't pass Senate Bill 253, or any other such education bill that will give the state strict control of private schools.

Children belong in the care and under the authority of their parents, not the state. People should be able to educate their children in the schools of their choice.

Test scores of private school children must be openly compared with test scores of public school children. Private schools have a good record.

There is no evidence that state-certified teachers are the best qualified to teach children. (I just got out of the university and I know that UM's education school is one of the most wasteful departments on campus.)

I think teachers' unions are behind this type of bill to control and manipulate what children learn and to keep the money coming to public schools.

In regard to Christian schools, if you pass this bill you will be inviting court cases from those who refuse to bow to the authority of the state when it comes to matters of teaching children. Please don't make Montana another state where the government takes the preachers to court for practicing their beliefs.

Sincerely,

Gregory Ammondson
Box 4143
Missoula, MT
we at First Baptist Church feel we are doing a good job. Our folk felt strongly enough to take their children from the Public School and place them in our care. So we are duty bound to do our best to fill their desires.

Thank you for hearing us.

Pastor Walter C. Lucy
NAME: Russell L. Loger  
BILL NO.: 253
ADDRESS: 750 W. Laurel, Montrose
WHOM DO YOU REPRESENT: 1st Baptist Church
SUPPORT: YES, AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: We feel we are doing a good job equal or better than public school. The test or our children has been average or above that of public school. Let's leave freedom of religion in school as it is.

I feel the foundation of both family, church and school.

I'm the father of four children, three have graduated from Y.A.W.S.

Respectfully,

Russell W. Loger
NAME: Dean Locke
DATE: 2 - 2 - 83

ADDRESS: 2605 Minnesota Ave, Billings MT 59101

PHONE: 247-5715

REPRESENTING WHOM? People

APPEARING ON WHICH PROPOSAL: S B 253

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The main approach to the state's responsibility of education for all is in testing the end result rather than trying to create the environment and the teachers. In testing there needs to be room left for slow students. This bill doesn't leave the home school as an alternative.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: JOHN H. MAISE
DATE: 2-2-83

ADDRESS: P.O. BOX 1321

PHONE: 303-6588

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: SB 253


COMMENTS: SEE ATTACHED TESTAMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Date 1-27-83

Name: John H. Maize
PO Box 1321
Hamilton, Mont. 59840
Self-employed welder & machinist

Gentlemen, and Ladies;

Within the past year and a half the great God and Saviour the Lord Jesus Christ has saved me from my sins. And since that time my religion has become not just a time to go to church on Sunday, but has become my life. My religion is now to walk every moment of every day as close to my God as I possibly can, by the light revealed to me in his written word the Holy Scriptures.

Since my religion and life are one and the same, as it should be with every believer in the Lord Jesus Christ, and as it was with our Pilgrim forfathers who signed the Mayflower Compact. The Word of my God clearly tells me that I, especially as the father to bring them up (my children) in the nurture and admonition of the Lord. Eph 6:4 Not only my children but my grandchildren also. Deut 4:9 It is a direct command from God, Deut 6:6-9, esp. v# 7 "Thou shalt teach them diligently unto thy children" [them= the truths of God]. We see also in these verses the teaching is to be our whole life, to talk of the Lord when we sit in our home's, when we walk, when we lie down, when we rise up. Deut 11:19

In Isaiah 28: 9,10 we are told how to teach our children, precept upon precept, line upon line, here a little and there a little. To make known the truths of scripture unto my children Isa 39:19. 2 Tim 3:15 And also a command from God not to learn the way of the heathen. Jer 10:2

The Constitution of the United States of America Article #1

Number one of the Bill of Rights:

Freedom of religion, speech, of the press, and right of petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

[establish = means, the act of establishing, founding, ratifying, or ordaining]

It is a blessed thing to see the God given wisdom of our forfathers, in there seeing the need and importance of the freedom
of religion in these Uninted states of America. So much so that it was not the second, or the third, nor the 10th admendment but the first, and that is by all of his commands should be.

But now if this senate bill # 253 is passed, the one sponsored by Pat Regan & Chet Blalock, means that I, with my inability to conform the the requirements, due to being already self-employed and not having the funds to go back to school, nor to learn the way of the heathen, would no longer to leagaly freely exercise the commands of my God in my religion.

This is sincerly from my heart.
NAME: Lyman Dee Jessop

ADDRESS: 10 Box 13, Renshaw, NH 53141

PHONE: 961-3680

REPRESENTING WHOM? Pine Academy - Private Elementary School

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Parents, not the state, have the ultimate say as to the child's education—if the parent chooses not to put them into public school. Then, private schools are not receiving state or federal aid, there can be no justification as to the state having a say in the education of the children. Private schools have been moral beacons of this nation and state. Why should it be any different?

The quality of education received through private schools has always been superior to the public school system.

In the ultimate analysis, it is "What is best for the child. Not what is best for the state."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Patty Barnett
DATE: Feb 2, 1983

ADDRESS: 407 Dearborn Ave, Missoula MT

PHONE: 549-1376

REPRESENTING WHOM? My self

APPEARING ON WHICH PROPOSAL: Senate Bill 253


COMMENTS: testimony attached.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
The bill now being considered before this committee gives stricter requirements before a child may be excused from state compulsory attendance laws. The director of this bill will undoubtedly claim that the bill is for the "benefit" of the "children of the state." It is for a "quality education" of all, and will "reinforce" a self-baked school system to retrain the "mind of the children." It is aimed specifically at supplementing private and home schools, and freeing students in alternative educational systems back into the public educational system. In lieu of this bill of requirement is the funding, and thus the need for taxing the student, to the point of government burden and control. (The state now supports one class on, and the spending of governmental funds.)

I would like to direct your attention to the public school provision of the bill. The requirement is certification of teacher in private schools. The requirement in public schools is nothing to prove the certification to be from a teacher. Having spent three years attending the University of Montana, two of these years in the Elementary Education program, I believe I can give some testimony as to the worth of many such programs in preparing people to be the educators of our children. And may I say, they are not of much worth at all.

Out of 105 credits required for graduation at the University, the Elementary Education program requires over 50 credits of actual teaching-related courses. These 6 sered classes comprise only about 10% of all that you have to take in order to be eligible for a teaching certificate. What is a program supposed to teach future-directors if not effective teaching methods? Over all, you are only required to take 11 classes taught by the Education Department. Again, that is less than 1/4 of the credits needed for graduation.

What kind of courses make up the rest of what is specifically required to gain a teaching degree? Let me list just a few:

In the Health and Physical Education Department three activity courses are required, but any class from Aerobic Dance to Billiards is acceptable and applies to your degree. Also mandatory is a class on the School Health Program. Several weeks in this class were spent on "value clarification activities", which might be better named "value confusion activities". Hypothetical problems, situational ethics and "forced choice activities" were presented and taught, with, as far as I can see, no other outcome for children than confusion of values. Several
times, the teacher passed out to us questionnaires involving such things as homosexuality, divorce, premarital sex, abortion, transvestitism, exhibitionism, pornography, etc. etc. We were then asked to rate them on a "value scale" from "clearly wrong" on one end, to "nothing wrong with this" on the other. The scores for all the questions were added and compared to a "spectrum of values". Those who were liberal fell in the "Far Morality" group, while the more middle-of-the-road folks were grouped under "Humanistic Liberalism" or "Enlightened Asceticism". Where did I score on this spectrum? I was labeled a "Traditional Repressive Asceticist". Is this what I am supposed to be teaching kids? How to label people, and that some children, or more correctly some of their parents, are "enlightened" while others are "repressive ascetics"? All this is passed off under the guise of helping children to "clarify their values", while in actuality, all it does is teach children to question values, both theirs and their parents.

Well, what about those psychology courses? Isn't there some value in learning about how children develop and learn? Of the two required psychology classes, one vaguely dealt with personality theories, mental illness theories, learning theories, development theories—nothing practical or usable in the classroom. The other psychology class covered the development of man from conception to death, with no particular emphasis on learning. Any half-witted mother could tell more about the development and learning of her own child, through simple observation, than I learned in these classes.

What good were the Education classes themselves? One Orientation to Education class taught only two things that I can remember: 1) we ought to join the teacher's unions, for the good of the children, of course, and 2) teachers are professionals, and we need to know how to defend ourselves. Articles and statistics were passed out with the advice that we keep and remember the material so we could defend ourselves should the efficiency of the public school system ever be called into question.

The Teaching of Reading course focused on many progressive methods, while practically ignoring phonics, the one method which I, and many teachers, believe to be the most practical, and successful method for teaching kids to read. Much time was taken up in this class with designing and making classroom games. Only we weren't supposed to call them that—parents wouldn't want their children to spend so much school time playing games. They were called "skill enhancement activities".

In another class, one day we spent finger-painting, another day watching cartoons. A certain teacher in still another class, was in the habit of dashing around the room, yelling, and literally throwing himself on the floor and playing dead, just to get his points across. I assure every parent would love to see their child's teacher act this way!
Name: Bill Brickey

Address: Box 773, Cranola, MT 59917

Phone: 406-294-2735

Representing Whom? Full Gospel Church of Cranola

Appearing on which proposal: SB 253

Do you: Support? ______ Amend? _____ Oppose? 

Comments: ________________________________________________________________

______________________________________________________________

Please leave any prepared statements with the Committee Secretary.
In the whole program, the philosophy is anti-Christian and anti-parent. Future educators are indoctrinated in: "You are the teacher, you are the king. Don't let parents interfere with your work. The main job is to do your work and not interfere." At the same time, paying lip-service to trying to more involved in the learning process, lectures are put at identifying physical and sexual abuse. This is because "you just don't know who is abusing your children at home." Are all teaching forms wrong? Absolutely not. But the point is, people cannot work without a program and a teaching organization. And they cannot do their jobs without the children's health, which has not been in the public school system. People are being prosecuted, and in the future is allowed to pass, I'm sure many more will be prosecuted tomorrow for no other reason than that their children are not in public school; not because their children are being abused or neglected; not because they are receiving a shoddy education; but just because they are not in a public school. Senate Bill 507 is an arbitrary control over the people of this state. Why? Because it is not based in reason or justice, but denies freedoms and Constitutional rights. I ask you, please do not pass Senate Bill 507.

Patty Barnett
Missoula, Montana
I respectfully submit my objection to SB 253 on the following grounds.

1. I believe as a parent, I have certain mandates and perogatives from God to train and instruct my children in accord with the Holy Scriptures as opposed to the humanistic teaching of the public system. If SB 253 is passed, I believe it will greatly hinder, if not, in fact, make this task impossible.

2. I believe SB 253 has clearly taken the burden of training a child from the parents and placed it on the state, and placed the burden of guilt or innocence as far as competency is concerned on the parents, reversing the natural flow of law enforcement. Furthermore, I believe SB 253 says, if we will meet certain prescribed standards we'll be excused from a judgement that has already been passed. All this says to me is the child belongs to the state.

3. I believe there are sufficient safeguards planned and provided to supervise the education of the children in the state. If there are violations, treat them on an individual basis. Would we indict the whole town, because of one offender?

4. I believe child training requires and demands a very high standard of moral and academic excellence. I do not believe this goal will be accomplished by the enactment of this bill, but in all probability will be a violation of certain principles that are essential to Godliness and good government.

Respectfully yours,

Bill Brickey
DATE: 2/2/83

NAME: EARL D. HARGIS

ADDRESS: N.W. 5431 OLD HWY. 93 FLORENCE, MT: 59833

PHONE: 273-2772 or 273-6489

REPRESENTING WHOM? FLORENCE BIBLE CHURCH AND CHRISTIAN ACADEMY

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? _______ AMEND? _______ OPPOSE? X

COMMENTS: SEE ATTACHED STATEMENT PLEASE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
February 1, 1983

Dear Chairman and Members of the Senate Education Committee:

I am writing to request that you stand unequivocally opposed to SB 253 which purportedly clarifies exemption from compulsory education laws for students in private schools.

This bill constitutes an unparalleled intrusion into First Amendment freedom as provided by the Bill of Rights of the United States Constitution. The Educational ministries of churches for the most part are the result of a growing conviction from God by responsible Christians. These godly people are concerned with Biblical directives to train their children in absolute truths while at the same time eliminating that which is wrong and harmful in the curriculum and/or learning setting. One typical Scripture says, "Cease, my son, to hear the instruction that causeth thee to err from the words of knowledge." - Proverbs 19:27.

Those who accept the Bible as God's Word see it as the only foundational source for evaluating, measuring and determining truth as we mold our philosophy of life. The clear directives and firm absolutes of God's Word then become the framework within which life is viewed. Therefore, regardless of the subject under consideration, the question most frequently asked is, "What does God say about that and what should we do because of what He says?"

Many, if not most of the people, who would be affected by SB 253 could not in good conscience before God submit to the conditions of that bill. They would have to forsake the practice of their faith in order to do that. This Bill then would force these good people into a conflict with either their peers in our society or with God Himself. In most cases these folks would suffer under what would be regarded as excessive, unrighteous governmental intrusion. They could not obey God and follow the intent of SB 253.

While you will make many decisions in the course of a passing legislative session, some of those decisions will have serious, far-reaching results. We believe SB 253 is one such decision. As you face that sobering truth, may I remind you that the affairs of men some day are going to be tested by the Ruler of the entire universe? We are praying God will give you His wisdom and His direction in this matter.

Please defeat and "kill" this proposed law immediately. Thank you for your time.

Sincerely yours,

SERVING THE BITTERROOT VALLEY WITH ........
A Fundamental - Soul Winning - Bible Believing Church

Earl D. Hanson, Pastor
As a member of the State Board of Education and the chairman of the private school committee, I was given my say of private schools.

The argument of the private school system has always been in favor of the private system and the efficiency of its operation. However, I have always found it amusing that when the private school system is successful, the efficiency of the school system is small. Hence, I have always been in favor of the private school system.
Feb. 7, 1963

Dear Senator Brown and Members of the Committee,

I'm opposed to SB 253 because very simply—this amounts to "policing" the private school.

Also, I'm very grateful that here in Helena, they're options open to parents—because I feel competition is very healthy and promotes superior results. And certainly if I would have to fork the bill— for sure I would be concerned about "getting my money's worth"!

I urge your opposition to this bill.

Thank-you.

Respectfully,

Mrs. Patricia Reid
Helena, Montana
NAME: EARL D. HARGIS
DATE: 2/2/83

ADDRESS: N.W. 5431 OLD HWY. 93 FLORENCE MT. 59633

PHONE: 273-2772 or 273-6489

REPRESENTING WHOM? FLORENCE BIBLE CHURCH AND CHRISTIAN ACADEMY

APPEARING ON WHICH PROPOSAL: SB 253


COMMENTS: See attached statement please

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Please defeat and "kill" this proposed law immediately. Thank you for your time.

Sincerely yours,

SERVING THE BITTERROOT VALLEY WITH ...........
A Fundamental – Soul Winning – Bible Believing Church

Earl D. Haye, Pastor
Feb 3/83

Chargerson - Members of Com.

I am opposed to HB 253, simply because the barrassment of the private school system must cease.

Until the public school system gets their own house in order I find it completely discriminatory for the State Board to have a litany of rules and regulations for the private school system. I have always found it amusing that when competency tests were prescribed for private schools and the attorney agreed - if and only if the state public schools were subjected to the same. Notice to say - that Oregon was generally deplorable.

Since the public school system is well aware of the excellence of the majority of the private school.

Pioneers in education the private schools have an illustrious record of competency, morality, patriotic and unparalleled sacrifice on the part of parents.

Now that private schools have become such a glaring embarrassment to the poverty of the public school system I beg of you to let private schools remain private and let the public school system clean up their act.

Rose Mary Rodgers 17-03
Feb. 2, 1983

Dear Senator Brown & Members of the Committee,

I'm opposed to SB 253 because very simply - this amounts to "policing" the private school.

Also, I'm very grateful that here in Helena, there's options open to parents - because I feel competition is very healthy and promotes superior results. And certainly if I would have to fork the bill - for sure I would be concerned about "getting my money's worth"!

I urge your opposition to this bill.

Thank-you.

Respectfully,

Mrs. Patricia Rees
Helena, Montana
February 3, 1983

1529 Chateau St.
Helena, Mt. 59601

Referring to S.B. 253: Opposed.

I stand in opposition to this bill. This is an unreasonable bill in the fact it would shake the life from our private schools. It is an attempt in my opinion to change “private schools” to “public” schools. These schools would as a result remain “private” in name only.

Having heard those in favor of this bill it sounds as though the “state” is afraid of private schools and the competition they give, and everyone realizes competition is healthy.

So called “state” schools here on occasion chosen to be private! not because as an interested taxpayer I have on various occasions attempted to audit classes in our Helena public schools only to be told I must make appointment. Plus I did and attended but you realize those classes were planned for my visit.
and principal would not allow me to attend a particular class on the particular day.
They are children in our public schools. They don’t know how to give public education.

Is this being “accountable”? Certainly.

It is regulation by the particular state, but as a taxpayer interested in quality education, what standards are these individual “public” schools following. Have they failed in certain areas and are they afraid to admit their failure?

Mrs. Beverly Glueckert
- a Montana teacher
- a Roman Catholic
  Having taught in public and Roman Catholic schools.
- a mother of children who have attended both public and Roman Catholic schools.

I called a teacher of the “retarded children.”
NAME: John J. Thiebes  DATE: 2/2/83

ADDRESS: Missouri  PO 7742

PHONE:  543 4632

REPRESENTING WHOM? Sussex School

APPEARING ON WHICH PROPOSAL: SB 523


COMMENTS: ______________________________________________________

_________________________________________________________________

_________________________________________________________________

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
February 2, 1983

The Honorable Bob Brown, Chairman
Senate Education Committee
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear Senator Brown:

We are writing in opposition to SB 253 because we believe that this bill would destroy the whole purpose of private education, which is to provide an alternative to the public schools. We should stress at the outset that Sussex School is a private, non-religious, non-sectarian, alternative elementary school which was founded ten years ago in order to provide an elementary educational setting which structure differs considerably from that of the public schools. We believe completely that the State has the right to ensure that children attain minimal educational levels, but we do not believe the State has any interest in addressing the method in which those goals are attained. We believe that SB 253 is an attempt to make private schools virtually identical to public schools, both in their curriculum and management.

Section 4, pp. 9-11 essentially requires that private schools be structured identically to public schools in that the curriculum will be mandated by the State Board of Education, the length of the school year will be identical with that of the public schools, the method of instruction and rating will be virtually identical, and furthermore the State education authorities are empowered to enforce compliance with these educational and management requirements.

We believe that all of these proposals are entirely unnecessary intrusions into our ability to provide an alternative means of reaching the same educational goals that the public school system seeks to reach.

Sincerely,

BOARD OF DIRECTORS,
SUSSEX SCHOOL, BY:

John J. Thiebes, Board Secretary

cc: Members, Senate Education Committee
ORGANIZATION
The school is incorporated as a non-profit organization. It is non-discriminatory and enrollment is non-discriminatory. It is not affiliated with any religious or other such school for elementary school in Missoula. The school is licensed for both daycare and elementary education.

MINISTRATION
The Board of Directors is elected from the school, which has eight members—all interested parents and=not board members—meet monthly to make decisions on school finances, general policies, and long-term changes and long-range planning. The board also hires the staff follow Promise of a hiring committee to all interested parents and school staff.

GENERAL MEETINGS
Meetings of all parents are held weekly. Board decisions are discussed with issues for future board meetings. Decisions are often made by teachers, parents, e.g., slide shows, movies, and school activities.

ADMISSION
The school maintains a balance in numbers of boys and girls, as well as between age groups. Otherwise, students are enrolled on a "first come, first served" basis. Sussex School does not discriminate on the basis of race, color, national or ethnic origin in administration of its educational and admission policies, or scholarships.

No interviews or academic tests are required of prospective students.

SUSSEX GRADUATES
Educators agree that one of the most important indicators of a school's effectiveness is the success of its graduates.

According to a recent survey of high school teachers, Sussex graduates are well-adjusted students, independent and highly motivated. Described as eager learners and creative thinkers, they have been successful in pursuing and achieving individual goals and challenges.

LOCATION
Sussex is located on 21/4 acres at 1800 S. 2nd West in Missoula. The elementary school is housed in one of Missoula's historic homes, built in the early 1900s. The preschool occupies a separate building and the two schools share a small gym.

HISTORY
Sussex School was founded in 1971 as a cooperative pre-school by a group of parents who wished to participate actively in their children's education.

The elementary school was added in 1973 and was organized to offer a quality, alternative education for Missoula families.

It is today demonstrating successful innovative teaching with parent involvement.

PHILOSOPHY
We believe that school is a place where students have the right to develop to their fullest potential—emotionally, socially and academically.

We further believe that this happens best when school is both challenging and fun.

To achieve our goals we offer:
- a low student/teacher ratio;
- a child-centered curriculum which gives each child a say in what is learned;
- a challenging program for all students, allowing each to advance at his or her own pace;
- a warm, caring and fun-filled environment where students of all ages can play and make friends; a total integration of the school into the community.
CURRICULUM

LANGUAGE ARTS—reading, grammar, spelling, creative writing, poetry readings, drama, individual learning contracts, research methods, library.

MATHEMATICS—hands-on, logical thinking, metric system, problem solving.

SPANISH—basic conversational skills, aural/oral approach, language lab.

SCIENCE—teaching of scientific procedures, facts and principles.

ART—painting, drawing, printing, batik, pottery, photography, weaving.

MUSIC/PERFORMING ARTS—vocal instruction, creative dance, mime, drama.

SOCIAL STUDIES—geography, history, cultural awareness, current events, community affairs, field trips.

PHYSICAL EDUCATION—intramural soccer, volleyball, basketball, European handball, "New Games," individual exercise.

PRACTICAL-PRODUCTIVE—experiences such as carpentry, house painting, yard work, weatherizing the school buildings, gardening, etc.

PRE-SCHOOL PROGRAM

The general areas of curriculum mentioned above are also used to augment the pre-school program. In addition, proper priority is given to the social, emotional and physical needs of the pre-school child.

FACULTY

Sussex has a staff of 2-3 full-time and 6-8 part-time teachers.
The teaching is departmentalized so that staff members are hired to teach only subjects of their special interest and strength.

EXTENDED CLASSROOM

Extending the learning beyond the regular classroom helps the students develop a connection between skills learned at school and real-life experiences. It sparks an early interest and concern for the community.

Field trips include visits to: local museums, art galleries, public library (weekly), rivers, forests, ponds, animal refuge, geologic sites, historic sites, all social service agencies, businesses of all kinds, the University, City Hall, Court House, Mayor's Office, State Legislature.

STUDENT ACTIVITIES

Elementary students meet weekly to discuss upcoming events and to formulate school rules. Decisions are made democratically by vote of students and teachers. Students chair the meetings.

Students have responsibility for routine cleaning of the school.

Extra-curricular activities are planned by students and teachers as interest and need occur. These have included: Chess Club, sports, dances, photography, parties, camping, overnights at school.

SPORTS

Sports are part of the physical education program. The size of the school precludes competitive sports that require large teams. Many of our students, however, participate in YMCA soccer, UofM after-school swimming programs, and other sports programs.

PARENT INVOLVEMENT

Each family is required to contribute a prescribed number of hours of work each quarter that school is in session. This time can be spent in creating special learning units, helping in the classroom, driving on field trips, administration of the school, lunch time supervision, school maintenance, fund raising.

COMMUNITY INVOLVEMENT

Sussex participates in the University of Montana School of Education's student teaching and tutorial programs. The school also employs work-study students.

Public school teachers from all over Montana find time to visit the school. Sussex teachers frequently give presentations about the school in Missoula and beyond.

FINANCES

The school is supported by tuition, donations and fund raising activities.

In order to maintain its high quality education and also be able to offer scholarships, Sussex has established annual fund raising events:

FUND DRIVE—seeks pledges from the community at large as well as from the families in the school, the alumni and their parents.

AUCTION—receives support from businesses and individuals throughout the community.

In addition, raffles, dances, rummage sales, etc., are held from time to time. Donations to the school are tax deductible.
NAME: Russell L. Johnson  
DATE: Feb. 2, 1983

ADDRESS: 127 Humboldt Loop

PHONE: 442-0123

REPRESENTING WHOM? Seventh-day Adventist Schools of MT

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Wednesday, February 2, 1983

Mr. Chairman:

Committee Members:

My name is Russell Johnson. I represent the Seventh-day Adventist Schools of Montana and Adventist parents involved in home school situations.

I want to commend the Board of Public Education for its concern for the youth of Montana. Our youth are the most precious heritage we have. Your children and mine are the immediate future of this state and nation.

I, too, am concerned about the instruction of our youth. Because I come to you with a ministerial background and as a former public school educator I see both the strengths and weaknesses of the bill. There is nothing wrong with most of what is written in it. However, many of the requirements are out of harmony with personal conscience or do not fit non-public school situations.

Page 2, line 9: School on Saturday
This violates the rights of teachers and students that honor God by observing the seventh-day Sabbath as clearly outlined in scripture.

Being subject to the varying judgments and whims of each county superintendent will be addressed by others and thus I'll not speak to that issue.

Page 10, line 1: I believe school buildings can and should reasonably meet codes. However, home schools, an excellent and vital part of America, must be exempt from such requirements. For example, fire codes for public buildings are quite different than for homes. Do you really need an "exit" light over the front door so "Johnny" can find his way out?

I would suggest that we allow the Board of Public Education to regulate the public school system. Private schools should run their own programs and cooperate with the Board of Public Education as in the past. I would have no objection to non-public school children signing an affidavit of intent to attend an alternative educational program. Nor would I be opposed to such youth taking well recognized standardized achievement tests.

Test results show that overall, students in private and home schools are adequate to superior in scholastic achievement, social development and moral growth.

Americans have fought long and hard to avoid the type of totalitarian monopoly prevalent in some countries today. We must not allow that to happen here.

Again I repeat there is much that is right in the bill, but there are several areas that are unacceptable. We dare not trample on the rights of conscience. Therefore, I cannot accept this bill as written.
NAME: William J. Johnson       DATE: 02/02/83

ADDRESS: STAR Route Boulder, Montana

PHONE: 225-3570

REPRESENTING WHOM? SELF Independent

APPEARING ON WHICH PROPOSAL: Senate Bill 253


COMMENTS: As a parent living within the jurisdiction of the State of Montana, I believe it is my right to teach my children at home. We already have a House bill 49 that will allow that. More regulations are an offense to me and others like me.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: PASTOR JIM BRACKETT  DATE: 2-2-83

ADDRESS: 1402 Valley Hts. Rd. BILLINGS

PHONE: 406 245-3736

REPRESENTING WHOM? Seventh-day Adventist Church of Billings

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? ×  AMEND?  OPPOSE?

COMMENTS: This bill allows a far too substantial encroachment upon the separation of Church and State by giving the State Board of Education the authority to determine the adequacy of a private school in instructional as well as other areas of operation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Terry Down DATE: 2-2-83

ADDRESS: 3010 Parkhill Dr Billings Mt 59102

PHONE: 406-652-2097

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? AMEND? OPPOSE? 

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
2-2-83

Mr. Chairman and members of the committee:

For the record my name is Terri Dorow. I live in Billings and have my daughter in a private Christian School. I am opposed to SB 253.

Before enrolling our daughter in a private school, my husband and I very carefully evaluated this decision. I hold a B.S. degree with majors in elementary education and physical education and minors in biology and secondary education. Also, I taught seven years in the public school system. My husband holds a doctorate of dental surgery degree. Since our daughter would have to be driven to school instead of walk the two blocks to the public school and we would have to pay a relatively high monthly tuition payment on top of our already high property tax payment, we did not make this decision lightly.

In analyzing the options available for our daughter's schooling, we looked for academic excellence and individual goals for high moral and social development. We chose a private school education for our daughter. It is a school concentrating on a sound basic education taught in a traditional classroom setting. We are not sending her to a week of Sunday School. We are sending her to school!

With the growing illiteracy rate in America, I feel the Board of Public Instruction should spend its time focusing on their problem and the one over which they have jurisdiction. If they could get the public school system to the standard of excellence that it should be for the kind of money we Montanans are paying, it would benefit us all.
I believe this committee is concerned that each child in Montana is given a basic education. SB 253 cannot guarantee this end anymore than code 20-7-111 has guaranteed this end result to students in the public schools over the years. If passing legislation could cure all the social ills of this country, then why do we still have to deal with crime, prejudice and inequality.

I have spent the last six days at the Capitol reviewing our legislative process and talking with legislators. We have discussed this legislation and they have listened to my concerns and questions. However, what I have learned is that no one really knows what the far reaching effects of this bill will be.

Thank you for giving me this opportunity to share with you today how I feel on this issue and thank you for your openness and availability during the past six days.
NAME:  Lynn Marie Badger
ADDRESS:  2907 Green Valley Drive Billings, Montana
PHONE:  656-8440

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:  S.B. 253

DO YOU:  SUPPORT?  AMEND?  OPPOSE?  ✓

COMMENTS:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Mr. Chairman and members of the committee. For the record my name is Lynn Balyo. I live in Billings and teach at the Billings Christian School. I am opposed to Senate Bill 253.

I have a B.A. degree in education and have six years teaching experience in both the public and private school sectors.

I would like to inform this committee of the educational system at our school. All of our teachers are certified. We conduct classes in a traditional classroom setting, maintain attendance and health records, permanent records of achievement, testing results and fulfill the state requirements for the number of days attended and number of hours taught in each subject.

I am opposed to S.B. 253 because it is so unclear what subject matter the state may require us to teach in the future.

As parents with two children enrolled at the school, my husband, who has a masters degree in guidance and counselling and is an educator with the Billings public school system, and myself feel a need to have our children taught excellent academics in a Christian atmosphere. We are concerned that this bill may ultimately inhibit that right.

Thank you for allowing me this opportunity to share the concerns of my husband and myself.
NAME: John I. Dahl
DATE: 2/2/83

ADDRESS: 6335 Blackfoot Rd
Helena

PHONE: 458-9315

REPRESENTING WHOM? East Helena Foursquare Christian School - School Board Member

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 

COMMENTS: I feel that once State Control is put on private schools there will be no stopping it and the first thing to go will be prayer & devotion.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Sharon Tusken                  DATE: 2-3-83

ADDRESS: P.O. Box 683 Belgrade, MT 59714

PHONE: 388-2010

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? AMEND? OPPOSE? 

COMMENTS:

"Shall a few minor failures condemn the rest of us. You must keep in mind all the failures that come out of strictly regulated public schools. Because I am a parent and I see credible than college graduates and representatives of larger powerful organizations. Can it be proven that private independent schools in Montana are unsatisfactory and need Big Brother?"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Exhibit #63

NAME: Monty Perry
ADDRESS: 1025 E. Olive Boise, ID.
PHONE: 587-9445

REPRESENTING WHOM? Seventh-day Adventist Schools of Montana

APPEARING ON WHICH PROPOSAL: S.B. 253

DO YOU: SUPPORT? ______ AMEND? ______ OPPOSE? ✓

COMMENTS: The property given to the Idaho Superintendent
is fair to both.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
NAME: Dan Vander Jagt
ADDRESS: 229 Ashley CT, Billings
PHONE: 245 3649

REPRESENTING WHOM? Citizen Yellowstone County

APPEARING ON WHICH PROPOSAL: HB 253 Education


COMMENTS: Recommend opposition to Bill #253 supporting the reasons stated by Tom Hannah and others.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Rather fluctuating, isn't it?

"Complied with" or have been "doped into." Check on how many you think we have already and leaving the population helpless.

"My God..."

...some pretext with a view to convincing them of no importance. "Consistently harping on controversial matters, consistently harping on controversial matters..."

...by playing to the galleries, every book, every document, every play, and other literature, because attention on athletics, sex, books, get people's minds off their government by destroying the pledged word, of the old moral virtues, honesty, sobriety, by specious arguments, cause the breakdown government toward such excitement in what in which.

...promotes unnecessary strikes in vital in..."The"..

...by Fomenting European enmity, with rising prices and, inflation, destroy the pledge, produce fear of inflation or revolution, destroy the pledge, produce fear of inflation. (In May 1919 at Dusseldorf, Germany, the A.I. in many places our their response and received."

...the following have appeared.

The following have appeared many times and variously...

Remember We Least Forget
February 3, 1983

Senate Education Committee
State Capitol
Helena, Montana 59620

Senators,

We believe that church and state should remain separate. This is a privilege that is given to us in our constitution.

Our christian school is doing fine without the state interfering. There is no question as to the high standard of academic and spiritual quality our students are receiving.

The passing of SB-253 would violate parents' rights to control their children in the area of education. The question of who is teaching the children is a decision and responsibility of the parents, not the state.

Sincerely,

Mr. and Mrs. Steve Robinson
246 S. 6th West
Missoula, Montana 59801
February 2, 1983

Senate Education Committee
State Capitol
Helena, Montana 59620

Senators,

We are the parents of two children in christian school. And we feel that we have the responsibility to decide if our children should go to a public school or a christian school.

They are a product of us, not of the state. We are given the charge of training them up in the way they should go.

We do not believe that state certification determines the quality of the teachers.

Our daughter went from a christian school to a public school for two years and then back to a christian school. When they tested her to see what level she was, she tested almost the same place as she was when she left the first christian school.

So that is one of the reasons we do not believe that state certification proves the quality of the teachers.

We personally think we have the best teachers when they are saved and teaching christian education, not teachers certified by the state and schools controlled by the state.

Sincerely,

Mr. and Mrs. Byron Pruieett
537 Blaine
Missoula, Montana 59801
February 2, 1983

Senate Education Committee
State Capitol
Helena, Montana 59620

Senators,

We have seven children and they have been going to christian schools for six years. The children are not held in a class situation but advance individually. As long as an academic balance is maintained, they are encouraged to move along in their favorite subjects at any pace they choose.

Our oldest son's pre-college exams showed him to be on a second year college level in math. In May 1982, he graduated as an avionics technician.

Our oldest daughter graduated from Northwest Schools with a grade point average of 97.6%.

The rest of our children love the school and are doing better than they ever have, for they are now all on the honor roll.

Individual help, encouragement, inspiration, and control all help make the christian schools so much better than the public schools.

It is the parents' obligation to give their children the best education that America has to offer, and in our opinion and experience, it can be found only in the christian schools.

Sincerely,

Mr. and Mrs. Jerry Gonsioroski
Box 3
Huson, Montana 59846
Feb. 2, 1883

Gentlemen:

I am opposed to Bill 253 as introduced by Senator Blaglock for the following reasons:

1. My children are in a "church," that is, private school, because of my religious convictions. God tells us, we must as parents be responsible to and for the proper instruction of our children. Proverbs 22:6, "Train up a child in the way he should go and when he is old he will not depart from it."

Ephesians 6:4, "Ye fathers provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord."

Since this responsibility belongs to us by divine instruction, we look to God, not government, for standards and criterion of education for our children. Why is there this persistent effort to Rob us of our freedom to practice our faiths?

2. Thomas Jefferson once said in a letter to William Ludlow, "I think we have more machinery of government than is necessary, too many parasites living on the labor of the industrious." How aptly this may apply! As a tax payer I am angered that my money would be spent as wantonly on an area that is not clearly desired by the people.
nor needed. What a waste! The news media is frequently and consistently pointing out problems and areas of need in the existing Tax Supported Public School System. February 1983 issue of Reader's Digest, "What's Happening to Our Schools," is a case in point. It seems the most certain expenditure that this program would insure would certainly be applied more wisely and efficiently to the present system! Perhaps this Bill 253 is merely a facade to provide funds for more parasites and bigger machinery?!

Respectfully,
Stephanie B. Andley-Clark
2946 N. Reserve
Missoula, MT 59802
Dear Sir,

This letter is to inform you that we have established a private school, known as Sunrise Academy, located in Miles City, Mt. with the above mailing address.

The school is in operation at least 180 days per year, and operates for at least 6 hours per day. Our curriculum includes reading, writing, art, math, social studies, music, physical education, science, health, fine arts, vocational education, free enterprise, constitution, history and on the job training for specific skills. The student body at this time consists solely of the members of our own family.

To the best of our knowledge, this letter completes our legal obligation. If there are any further requirements established by law, please let us know.

Sincerely,

Daniel E. Thueringer
Superintendent; Sunrise Academy
Mr. Rick Reese
Assistant to the State
Board of Public Education
33 South Last Chance Gulch
Helena, Montana 59601

RE: Sunrise Academy - Private Instructional Program
Miles City, Montana

Dear Mr. Reese:

Enclosed please find a copy of a letter dated January 15, 1981 which was addressed to Mr. Daniel E. Thueringer, Superintendent of the Sunrise Academy, in Miles City, a recently established private school. Also enclosed please find copies of the various letters referred to in my letter of January 15th, as well as a copy of Attorney General Mike Gravely's opinion dated August 7, 1980 relating to the responsibilities of the State Board of Public Education and private institutions. I have not enclosed a copy of the Standards for Accreditation of Montana schools as amended by the Board of Public Education dated March 8, 1976, Third Edition, as I assume you have access to that document. A copy of that document was, however, enclosed with my letter of January 15 to Mr. Thueringer.

I note that the Attorney General's opinion provides in part as follows:

"Therefore, the Board of Public Education may review programs which may be submitted to them annually by private institutions, to determine
whether they comply with the board's requirements and issue a statement to those institutions that are in compliance. However, this review may not impose teacher certification requirements upon teachers, librarians, and guidance counselors. An institution which does not obtain a statement of compliance from the board may seek judicial review or present its justification in court during the course of the proceedings initiated by an attendance officer when he finds a child who is not enrolled in an appropriate institution."

The Attorney General's opinion suggests that there should be some guidance from the Board of Public Education in these matters.

I am writing to inquire whether or not the Sunrise Academy has submitted the educational program it offers to its enrollment and whether or not the Board of Public Education has made a determination as to whether or not the Sunrise Academy's educational program complies with the requirements of the State Board of Education. If you have not issued a statement as to whether or not Sunrise Academy is in compliance, is it because you have not been furnished sufficient information by Sunrise Academy or because you do not believe that it is your duty to review programs submitted by private institutions? My reason for asking the question is that the Attorney General's opinion states that the Board "may" review programs, which could mean that you are not required to review them.

If the matter is investigated by an attendance officer, what criteria would the attendance officer use in determining whether or not the program of the private institution is in compliance and what procedures should be followed by an attendance officer in initiating and reviewing the situation? In your opinion, does Section 20-5-105 of the Montana Code Annotated provide sufficient authority to an attendance officer to enter a private institution, without Court Order or other authority and to conduct an investigation? That seems to be the second alternative set forth in the Attorney General's opinion.

The third alternative set forth would be for a private institution to seek judicial review to determine whether or not its educational program is in compliance, however, there is nothing that would
require a private institution to seek such a review.

It appears to me that the Board of Education is the governing body which determines the standards for schools upon the recommendations of the Superintendent of Public Instruction. In reality, the only personnel in our state who are qualified to review a school to determine whether or not it is in compliance with our state standards, are associated with either the State Board of Public Education or the Office of the Superintendent of Public Instruction.

I am therefore requesting that either the State Board of Public Education or the Office of the Superintendent of Public Instruction, to which I am sending a copy of this letter, send qualified personnel to Miles City to determine whether or not the Sunrise Academy is in compliance with state standards, after first contacting officials of Sunrise Academy, so that all parties are apprised of the purpose and time of the review.

I am advised that the only truant officer in School District #1, which generally is located within the City of Miles City, is Superintendent Paul Stengel, who has delegated the attendance officers' duties to each of the various school principals within the district. They, themselves, are the subject of review by the State Board of Education as to their programs and standards and, therefore, do not believe that it is their duty to review other schools located within the district and to my knowledge no procedures for this type of inquiry have been established.

Any assistance you can provide would be appreciated.

Very truly yours,

KEITH D. BAKER
Custer County Attorney
KDH: cja
CC Mr. Ed Argenbright
State Superintendent of Public Instruction
Attorney General
Marie Elwood
Paul Stengel
Dear Senator:

We have our child in private Christian school because we believe faith in God is not just something to be exercised in a church building on Sunday. Rather, it is to affect all aspects of life — including the education of our children.

Since the ACLU and others have determined that the First Amendment lends the exclusion of the Christian world view — they call it religion — from public schools, and have replaced the Christian world view with their man-centered philosophy, we cannot be obedient to God and send our child to be taught in that system. (Deut. 6:6-7) Proverbs 19:27 says, "Cease as son to hear the instruction that causeth to err from the words of knowledge." We want our child to have a "quality" education and are determined to see that happens. However, a good education cannot be obtained where God has been excluded. Without God at the center, children may learn knowledge but not how to use that knowledge. This can be seen in our knowledge of medicine & drugs. We have taken that knowledge and used it to destroy our own children through abortion!

If S.B. 253 becomes law, you will in effect be forcing us to put our child back into your man-centered public system. Why? Because our Christian school is the church's ministry just as the Sunday school and Youth Chapel are the church's ministry. As a church, they cannot accept a "license" or approval from the state. Christ is the head of the church. (Col 1:18) Also if a church accepts a license from the state, you have violated the separation of church and state making the state head of the church's ministry.

Therefore, passage of this bill will force us to make a choice between obeying God or men. It will also be denying us our First Amendment freedom to freely exercise our faith by forcing us back into a God-less education system. The bill is not really aimed at insuring quality education but rather at control of all education.

Mrs. John U. Pigg
Sidney, Mt.
N: CHARLES E. WISENBACK  
DATE: 0/2/83

ADDRESS: P.O. Box 563, HAMILTON MT 59840

PHONE: 961-3879

REPRESENTING WHOM? PARENT'S HIGH

APPEARING ON WHICH PROPOSAL: J53

DO YOU: SUPPORT? AMEND? ✓ OPPOSE? ✓

COMMENTS: I believe the current system of financing public schools against private schools concerning to people, when a student withdraws public school to attend a private school the public school can't stop about the same (and they have to be prepared to take the student back any time) but they loose probably $2,000 - THIS IS BOUND TO CAUSE BAD FEELING and make public schools anti-private school.

ALSO - THIS BILL IS PRO-CONTROL AND ANTI-EDUCATION. IT IS A DIRECT ATTACK ON PRIVATE SCHOOLS AND THE PARENTS THAT RUN THEM. IT SEEK AN EDUCATIONAL MONOPOLY - and well loose another monopoly.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
Support the Board of Education, be directed to cooperate with private schools, and that allocation of funds must be dependent upon the existence of a network of private schools. This would eliminate much of the source of friction.
NAME: Gena A. Lavine
ADDRESS: 207 5th Ave. Laurel MT
WHOM DO YOU REPRESENT: 
SUPPORT: 
OPPOSE: Very much
AMEND: 
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I'm very much opposed to this bill before we had our private school, our children had to go to a public school and was encouraged to use the letter words in their schooling. We don't believe this is necessary.
NAME: John D. Wells
ADDRESS: Route 1, Park City, UT 84060
WHOM DO YOU REPRESENT: AMEND

SUPPORT ____________ OPPOSE: opposed ____________ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS: I am in opposition of this Bill 253. This bill does not allow the right to decide the rights for our children and allows our constitutional rights.
February 1, 1983

Senate Education Committee
State Capitol
Helena, MT 59620

Members of the Education Committee:

I have been asked to advise this Committee regarding any complaint received by this Office concerning private Christian Schools in Flathead County. In response, I can advise that to my knowledge no complaints have been made with respect to the quality or sufficiency of the education provided to their students by the private Christian Schools currently functioning in Flathead County.

My personal experience is that these schools have and continue to serve a good purpose toward provision of an alternative to public education for those who desire it. The quality of the education provided by such schools in this County has, in my experience, continually been of the highest caliber.

Yours sincerely,

OFFICE OF THE COUNTY ATTORNEY
Flathead County, Montana

By [Signature]

Ted O. Lympus

TOL: hp
One example of private Hutterite schools trying to meet the standards as set forth by the Board of Public Education is the Glacier Hutterite Colony School in Glacier County. The underlying factor here is the good working relationship between the colony school and the county superintendent of schools. I'd like to show you an adopted policy handbook which outlines:

1. Educational Philosophy
2. Goals and Objectives

3. School Operations
   a. Curriculum Development
   b. Finance and Budget
   c. Attendance
   d. Permanent Record Files
   e. Grading
   f. Teacher Evaluation
   g. Immunization Records

4. Guidelines of a Teacher Teaching a Hutterite School in Glacier County
   a. History of Hutterite Culture
   b. School Registration
   c. School Discipline
   d. School Day
   e. Student Rules and Procedures

5. Workstudy Programs

   Designed for Hutterite students who have completed the 8th grade, but who have not reached their 16th birthday.

6. Library standards are partially met by utilizing materials and books from the Glacier County Library.
SCHOOL POLICIES

GLACIER COLONY PRIVATE ELEMENTARY SCHOOL

GLACIER COUNTY, MONTANA

ADOPTED AUGUST, 1980

REVISIONS AUGUST 1981 & AUGUST 1982
The Hutterites of the Glacier Colony Private Elementary School believe that it is the inherent right of every child to gain knowledge and develop abilities as much as is possible.

We believe that our students must acquire a knowledge of those skills which are basic to all human understanding. To this end, we consider those skills in writing, mathematics, reading, and spelling to be the basis for learning in all other subject areas.

We believe that education should develop habits, attitudes, understanding, and skills necessary for a productive, satisfying life in civilized society.

It is the responsibility of the school to help each child to understand the duties and privileges of responsible citizenship as it relates to him or her as an individual and to the world community.

It lies neither within our ability nor our desire to substitute for or supplant the guidance and love of the student's family. We gladly accept the opportunity and the challenge to help each student entrusted to us grow in wisdom, understanding, and the ability to survive in this changing world.

GLACIER HUTTERITE COLONY ELDER
GLACIER COLONY PRIVATE ELEMENTARY SCHOOL

SCHOOL GOALS AND OBJECTIVES

The goal of the Glacier Colony Private Elementary School is to accept responsibility for the development of each child into an adult who can stand confidently, participate fully, learn continually, and contribute meaningfully to our world.

Six objectives which contribute to the achievement of this goal, listed without priority in arrangement, define desirable outcomes to be incorporated into short and long range plans for the school system.

1. To insure that each student develops proficiency in basic academic skills.

2. To insure that each student develops the capacity to recognize and cope with the problems of an unknown future.

3. To insure the development of meaningful interpersonal relationships among, staff, students, and community.

4. To insure that staff, students, and parents are afforded maximum feasible participation in the development and evaluation of programs and policies that meet the educational needs of the Hutterite community.

5. To insure maximum efficiency in the allocation of material resources.

6. To insure maximum efficiency in the allocation of human resources.
ENROLLMENT

IMMUNIZATIONS AND PHYSICAL EXAMINATION:

All students enrolled in the Glacier Hutterite Private Elementary School must provide written verification that they have been adequately vaccinated for D.P.T. (diphtheria, pertussis, tetanus), Poliomyelitis, Rubeola, and Rubella.

Prescribed Medications:

Special circumstances may require the school to support physician and parents in the administration of prescribed medicine. When such circumstances arise, the following guidelines will be adhered to:

1. A written authorization from the student's physician must be presented. This authorization must include: name of student, date, name of medication, time schedule for administration, dosage, and possible side effects and a termination date. Only oral medications will be given.

2. A written authorization from the student's parents or guardian to give the medication, and a release from all liability in connection with the administration of the medication, shall be signed by the authorities of the Glacier Hutterite Colony School.

3. Medications should be delivered to the school by the parents.

4. A log or written record should be kept with the student's name, date, time, dosage given, and initials of the person administering the medication.

Emergency Treatment for Student Injuries:

In the event any student is injured in a minor way that can be handled by the staff of the school, the chain of responsibility for administration of first aid shall be as follows:

1. Teacher
2. German Teacher

If the injury is a minor, one of the designated staff may administer first aid in accordance with the generally accepted first aid procedures.

In the event of a serious injury to the student, the family shall be notified as soon as possible. They shall decide what physician shall treat their child, and whether to pick up the child at the school.
CHILD ACCOUNTING AND RECORD KEEPING:

Permanent Record File:

A permanent record file will be kept on each student and contain proper identification information, a complete educational history (anecdotal when necessary), to include grades earned, the results of all standardized tests, and health records to inculce official verification of proper immunization. These records will be kept in a safe location and be available for parent inspection. After the end of the school term, the records will be stored in the county superintendent of schools' office in Cut Bank.

Attendance:

All students between the ages of 7 and 16 are required by State Laws of Montana to attend school. After the completion of the eighth grade, the students will enroll in an approved Work Study Program, as prescribed by the county superintendent of schools, until the student reaches the age of 16.

Truancy:

An absence with or without parental permission, which absence feels was unwarranted.

Philosophy:

The Hutterities of the Glacier Hutterite Private Elementary School believes that regular school attendance is essential to the educational development of all students.

Grading:

Written reports to parents will be made at least once every nine (9) weeks. Parent conferences, both formal and informal are encouraged as often as necessary, as are verbal or written progress reports between formal grading periods.

Retention:

Students will be retained at the elementary level only after the parents, teacher, and the county superintendent have had a conference. The teacher will make the decision to retain.

Teacher Evaluation:

At least one formal observation in the classroom shall be made by the German Teacher. The German Teacher may require the county superintendent of schools to assist with the observation.
FINANCE AND BUDGET:

BUDGET DEVELOPMENT:

The elementary budget for the operation of the school will be cooperatively developed by the school teacher and German teacher, with consultation by the county superintendent of schools.

BUDGET APPROVAL:

The budget will be approved by the Boss Man of the Glacier Hutterite Colony.

REQUISITIONS:

All school requisitions must be approved by the German teacher, first, then the Glacier Colony Boss Man.
CURRICULUM DEVELOPMENT

The Hutterites of the Glacier Hutterite Colony recognizes that in order to achieve our adopted goals, it must allow the curriculum to remain static; therefore, the Board deems it essential that the school continually develop and modify its curriculum to meet the changing needs and diversity of our student body.

Curriculum Development Guidelines:

1. A total review of all programs should be scheduled to insure a comprehensive evaluation of each program at least once every five (5) years.

2. The contents of the curriculum should reflect the adopted philosophy and goals of the school.
GUIDELINES OF TEACHERS IN PRIVATE HUTTERITE SCHOOLS
IN GLACIER COUNTY, MONTANA

Hutterite children are born to quite different circumstances than are the other children in Montana. They are born to be self-sufficient as members of the colony. They are not to be recipients of welfare. Every individual must contribute to the welfare of all, thereby contributing to his own well-being.

Their religion is based on Biblical truths. They do not maintain beautiful church structures; their buildings are plain and clean. "Cleanliness is next to Godliness" 'tis said. The buildings double as schoolrooms. The adults adhere to the idea that men are men, women are women. The same theory applies to the children as well. Some work is for males; others for women. This may sometimes cause a conflict in English school where equality of the sexes is practiced. Boys are expected to pick up after themselves just as well as girls.

But Hutterites live in "changing times", too. Colonial life is more difficult to maintain.

An English teacher must always keep in mind that the school is private, maintained completely by funds provided by their combined efforts. Taxes are paid, but no financial aid is received. Another fact, not to be minimized, is that the first (home) language is a German dialect.

The following are Montana's Goals for Education listed in a brochure seen lately:

Through Montana education, each student shall:

1. Develop skills in reading, writing, speaking and listening
2. Develop habit and skills necessary to maintain physical fitness and mental health
3. Learn the rights and responsibilities of citizenship
4. Develop and apply skills which define and fulfill his or her learning needs throughout life
5. Learn his or her career opportunities and capabilities
6. Develop and apply standards for judging his or her behavior
7. Acquire a positive attitude toward learning processes
8. Learn to live in harmony with others
9. Live in harmony with and improve the environment
10. Develop an understanding of his or her role and the roles of others as members of a family
11. Be able to recognize, define and seek solutions to problems
12. Be able to cope with changes
13. Acquire knowledge and skills to purchase goods and services
14. Acquire knowledge and skills for developing and appreciation of beauty
15. Acquire attitudes and knowledge needed for participation in both mental and physical recreational activities

These goals are applicable to Hutterite schools but perhaps this should be added to guide English teachers:

16. Adhere to the teaching of our faith (Should it be number one?)

English teachers should respect the Hutterites. It is not necessary to be a Hutterite to have understanding.

They are a minority--an undemanding minority. They do not live in poverty, or with unemployment. These are problems, they, themselves solve for their own. If children lose a parent or parents, they do not become institutionalized. The relatives of the children assume the parent responsibilities.

Generalizations are made about Hutterites, too. "Fun" is poked at them because they "barter". Why? Bartering was a common practice in our own society at one time. "Horsetrading" trying to get the best deal, etc.

Many Hutterites do not have self-esteem largely because the people on the "outside" make generalizations, or do not treat them well.

Contact with the "outside" world is limited for women and children. Men and boys have more knowledge because the men do business with others. Boys are allowed to accompany them. Girls may go to visit in other colonies, or go to a doctor or dentist. Many concepts are difficult to teach because of the lack of knowledge which a teacher may take for granted.

Many of the people have never seen TV. Radios and tape recorders are not common. None of these are permitted for classroom use.
Inspite of all the so-called negative conditions, Hutterite children do learn to read and write English, and German. They understand mathematical concepts.

Further proof of accomplishments with only a grade eight education more or less of the old-fashioned type, is the success these people have made in agricultural businesses. Another point in their favor is that many of the young men are good workers, and often work for neighboring farmers because they are dependable. No rancher is going to let someone work with the modern day machinery if he thinks the man knows very little about the operation of modern day machinery.

Daily lives of Hutterite people are "scheduled" from early morning until bedtime. Routines are rarely broken. The routine begins early. Children are in "nursery" school at an early age (2½ years). They are fed on schedule. The hours are consistent. There's a time to eat, a time to work, a time for German school, a time for English school, a time to rest, a time to sleep.

An English teacher must try to instill in the individual pupil a desire to learn even though the subject matter may seem irrelevant. Homework is not wanted because evenings are filled with work responsibilities and learning German Bible verses. Library reading must be encouraged during English school hours. The goals of learning must be accomplished within the "English School Day."

REGISTRATION:

Usually the English teacher comes to the school one day before classes are to begin. There is not much point in coming earlier; because the school building is the church, so often nothing can be done until school opens. There may be records for the previous term, and then again, there may not be. Help with names, ages, birthdates, class assignments, etc., can be had from the older girls in attendance. Sometimes the older boys do not enroll until the urgent fall work is completed.
All children within the age groups of seven through fourteen will appear. Age six children go to German school. Identifying children becomes the first order of the day. Many first names may be the same. Several may have the same first and last names. It takes awhile to sort out the "familities". For instance, there may be a David S. Wipf. He is the son of Samuel Wipf. Another David is David Jacob Wipf, son of Jacob D. Wipf. The third David is David John son of John P. Wipf.

Hutterite children must comply with the State law by going to English school until they have completed eight grades, or until they are sixteen years of age. So if a child has a birthday in January or even April they must complete the eighth grade. However, at age fourteen, all are considered adults in the colony. They accept the responsibilities of adults in the "work" sector. They eat with the adults. A teacher would then be unreasonable if a child were to be detained at the scheduled noon mealtime. The "adult" child would not eat later. It's a matter of status!

STUDENT DISCIPLINE POLICY:

All the minor types of discipline found in public schools are also found in a Hutterite school. Kids are kids! Tardiness, eating sunflower seeds, or candy, chewing gum, failure to do school work, untidiness, disobedience, writing on desks, fighting, teasing, cheating, fits of anger, etc., are some of the most prevalent.

However, there is support for the teacher from the German teacher. In fact, the German teacher is somewhat in the same situation as the principal of another school. For a beginning teacher in one of these schools, seeking help and learning from him what punishments are advised could be helpful.
CLOTHING FOR TEACHERS:

It seems a little ridiculous to need to mention clothing for teachers, but previous incidents makes it advisable. Neat, conservative dress is recommended. Women teachers may wear dresses, slacks or pantsuits. However, the dresses or skirts should not be extremely short. Dresses and trops should not be "low-cut". Men teachers should dress neatly and in good taste. The setting is rural but that should not mean slovely dress. Hutterites wear good quality clothing even though it is homemade. Their clothing and themselves are clean. Teachers should be a favorable example, too.

THE SCHOOL DAY:

Individual colonies may vary within what is a school day. At the beginning of the term the German teacher and English teacher should have a consultation, and reach an amicable time schedule.

English teachers should be made aware of the fact that when certain work activities are being done, some children will be absent. Some children may need to be tardy because of the work they must do. Hutterite children are just like other children. Sometimes they try to see how far they can go before there is a reckoning. Perhaps it has been decided they may be ten minutes late, the ten minutes becomes twelve or fifteen. With the help of the German teacher, the teacher should be prompt, too.

With one teacher in charge, all duties performed by several teachers in other schools, become the responsibility of the one teacher. Building and classroom discipline are to be handled by him or her during English school hours. However, the German teacher may function as the principal of a private school in extreme situations. As in public schools, parents may not harass the teacher. The German teacher should make this clear to all parents in the colony. Good school discipline is not only important in itself, but is essential for valuable
Evening to take place.

SCHOOL SUPPLIES:

Books, paper, etc. are not as plentiful in a Hutterite school as in some public schools. It should be a teachers aim to be as economical as possible with supplies. This means that the teacher must watch the children to waste.

SCHOOL ROUTINE:

Hutterites do not observe some legal holidays, Labor Day, Thanksgiving, Veteran's Day, New Year's, etc. They do have 'church days' which makes it impossible to have school because the building is used for church. No exception will be made. Most colonies do not allow time made up on Saturday. It is impossible than that the colony (German teacher) and the English teacher workout some sort of compromise concerning this problem.

MINIMUM RULES:

Minimum rules that help provide a proper atmosphere for a meaningful education seem necessary. The safety of the children is important.

1. Running in the school is dangerous and should be discouraged. It seems a good practice to have orderly dismissal of pupils, too.
2. Verbal and physical abuse among children.
3. Discourage throwing of objects such as rocks, sticks, dirt, snowballs, etc.
4. Sharp articles such as knives, toys, etc, are not to be brought to school.
5. Discourage whispering because it interferes with efforts of those who may be trying to study.
6. Care of property, school furniture, books, classroom is the responsibilities of all, not just the girls who sweep and mop. Chalkboards should be reasonably clean for use of the English teacher at the beginning of each school day.

AN ENGLISH TEACHER SHOULD BE AWARE OF THE FOLLOWING FACTS:

1. Private Hutterite schools are maintained because the people wish to keep and continue their own culture.
2. Teachers must not interfere in anyway with the religion or mode of life of these people.
3. Sex education is an area to be left entirely to the colony.
4. Hutterites are conscientious objectors. (If you can't accept this, don't try to teach in their schools.)
5. Hutterite colonies pay income taxes.
6. Hutterite colonies pay property taxes the same as any corporation in the county, or state.
7. German is the home language; English, the second language.
   (a) Creates problems in understanding, and communication in general.
   (b) Penmanship.
8. No two colonies are exactly the same.
Glacier County Superintendent of Schools
Darryl Ormsberg, Superintendent
Glacier County Courthouse

1982–1983
Hutterite Workstudy Program
Glacier County, Montana

The Community AS the Classroom

The Community IN the Classroom

Cut Bank, Montana • (406) 873-2891
All students who have completed the eighth grade, but who are not sixteen, must keep a complete and accurate accounting of their assigned workstudy projects in this booklet.

The purpose of the workstudy program is to utilize the community resources outside of the classroom. The projects are short-termed and the student will enrich their knowledge by participating in the community workstudy projects.

Darryl Omsberg
Glacier County Superintendent of Schools
February 2, 1983

Senate Education Committee
State Capitol
Helena, Montana 59620

Senators,

We, as parents, feel we have the obligation to decide whether our children should attend a private school.

We feel also the state should not have any authority over our christian school and we are not in favor of SB-253.

Sincerely,

Mr. and Mrs. Rudy Chavez
510 S. 5th West
Missoula, Montana 59801
NAME: Norman Cherry
ADDRESS: Bx 211 Park City MT 59063
WHOM DO YOU REPRESENT: Yellowstone Valley Christian School
SUPPORT: SUPPORT
OPPOSE: X OPPOSE
AMEND: AMEND

DATE: 2-2-83
BILL NO.: 253

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I oppose bill 253 because it does not allow freedom of religion.
NAME: Karen T. McBee
DATE: 2-2-83

ADDRESS: 302-D So. 16th Bozeman

PHONE: 586-1189

REPRESENTING WHOM? Montana Homeschoolers' Assoc.

APPEARING ON WHICH PROPOSAL: S.Bill 253

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: I oppose for these reasons:

1. Unconstitutional infringement of freedom of religion
2. Violation of separation of church & state
3. Problems in integration of private schools and public schools can be solved in other ways than the regulation of private institutions
   a. Entrance exams before entering public schools
   b. These problems have always existed between schools and within Montana
4. Homeschool being cut out
5. Has power over private sch. in hands of cont.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.
There are other bills dealing with the compulsory attendance law home schooling submitted to the House and Senate Education Committees. The education organizations mentioned above are supporting an extremely restrictive bill that I don't think any of you would want. They want complete control of our children and curriculum, through teacher certification, textbooks and accreditation. They will get their way unless we let our desires be known to our representatives in Helena. It is very important and impressive and influential to have many witnesses at these legislative committee meetings, and if you can't leave your business or home to personally contact your representatives, please write letters stating your views. We have the Bible, the Constitution, and the laws of Montana on our side, and let's let them know that we know! And please be brief, factual, and specific.

As long as House Bill 49 is in Committee, it is important that you write or call the members of the House Education Committee, listed below. Their recommendation will make or break this bill. Once the bill leaves the Committee, it is important to contact the Representative from your own area. If it should pass the House, then the bill will be considered by the Senate Education Committee, then the full Senate, etc. You can call a toll-free number to find out the status of the bill, or any bill in which you have special interest. The phone number is 1-800-332-3408. You must know the number or sponsor of any bill you're interested in. If you wish to call any Representative, call 1-449-4800 and ask for him or her. This number is the House switchboard, and the operator will connect you with the Representative if he is available. To find out the name of your own Representative and Senator, call your local newspaper.

This is our chance to have home schooling explicitly permitted in Montana by law. Support Rep. Ken Nordtvedt's House Bill 49 as originally written.

* * * *

**HOUSE EDUCATION COMMITTEE**

Fritz Daily, D-Butte, chairman
Roland Kennerly, D-Babb, vice chairman
Gene Donaldson, R-Helena
Ralph Eudaily, R-Missoula
Joe Hammond, D-Alberton
Tom Hannah, R-Billings
Mike Kadas, R-Missoula
Nancy Keenan, D-Anaconda
Les Kitzelman, R-Billings
Earl Lory, R-Missoula
Non Miller, R-Great Falls
Les Nelson, D-Great Falls
Gerry Nisbet, D-Great Falls
Ray Peck, DHAVRE
Jack Sands, D-Billings
Ted Schye, D-Glasgow
Dan Yardley, D-Livingston

**SENATE EDUCATION COMMITTEE**

Bob Brown, R-Whitefish, chairman
Ed Smith, R-Dagmar, vice chairman
Roger Elliott, R-Columbia Falls
Delwyn Gage, R-Cut Bank
George McCallum, R-Niarada
Elmer Severson, R-Stevensville
Harry Berg, D-Great Falls
Chet Blaylock, D-Laurel
Jack Haffey, D-Anaconda
Joseph Mazurek, D-Helena

[Letters to any of these persons should be addressed to them at the State Capitol, Helena, Montana 59620.]

**NEWS UPDATE FROM OTHER STATES:**

**MISSISSIPPI:** "It is not the intention of [the State] to impair the primary right and the obligation of the parent . . to choose the proper education and training for such child, and nothing in said sections shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, or any kind whatsoever that is not a public school . . . or . . . to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school." [537-13-99] Compulsory attendance "shall not apply . . . to any child who is receiving proper instruction in the home." [537-13-97]

**MICHIGAN:** A judge exempted private Christian schools from state supervision of their curriculum and teachers in early January, 1983. This affects the whole state. There is now a legal doubt as to whether the compulsory attendance requirement is legal, according to Atty. General Gartner. See January 10, 1983, Time Magazine, page 66.

**NORTH CAROLINA:** In August, 1982 a federal court found the state's compulsory school attendance law unconstitutional. A 1st Amendment right to freedom of religion was more compelling that the state's right to enforce universal uniform education.

**LOUISIANA:** In 1980 Louisiana totally deregulated private education. There is no minimum number of pupils and anyone can teach. Anyone can start a private school if he foregoes state and federal funds. [R.S.17:236 amended by Act 828, 1980.]

**MONTANA:** Interested in a local home schooler's newsletter? Write Debbie Kersten, Box 1008, Belgrade MT 59714 for details.
To all Home Schoolers:

On Monday, January 10th, at 12:30 PM, the Education Committee of the House of Representatives met in Helena, Montana, in room 420 of the Capitol Building to discuss House Bill 49, sponsored by Rep. Ken Nordtvedt of Bozeman. This bill would change the wording of the compulsory attendance law to permit home schooling in Montana. The law presently excuses a child from public school attendance under law 20-4-102 (formerly 75-6303), subsection (3) if “the child is provided with supervised correspondence study or supervised home study under the transportation provisions of this Title.” Rep. Nordtvedt's bill would remove the words "under the transportation provisions of this Title.”

About forty or fifty proponents of the bill were present, and many testified before the Committee. I spoke as one who had educated my children since 1972 and that they had gone on to college with no problems of adjustment (socialization) and with good grades (academic). I briefly explained my teaching day of no more than three hours and no more than eight months per year, showing my children's college entrance tests with results superior to those of the state's. The state, by the way, tests only college-bound students, not all students.

Attorney and pastor Doug Kelley of Helena brought out some very interesting legal aspects regarding our present law and the Attorney General's 1980 Opinion that stated a home is not a "private institution" and school cannot be taught in the home. John Maynard, the assistant Attorney General who was the primary author of the 1980 Opinion, was present but did not testify except to answer one short question by the Committee. Originally home study was permitted by law in Montana. However, in 1975, Senate Bill 1 permitted codification of the laws of Montana. In other words, all the laws were systematically reorganized to eliminate duplications, excessive language, and any redundance without changing the meaning. Mr. Kelley introduced as evidence not only the old laws [that had explicitly permitted home instruction], but the minutes that accompanied Senate Bill 1 explaining that it was not the intent of that bill to change or eliminate the meanings of any laws... It was the result of this codification that the home study provision of the education law was omitted and lumped under the "private institution" provision with all other non-public educational institutions, whether private, parochial, correspondence, or home study, since in Montana a "school" is established and maintained at public expense, and "private institutions" are not.

Other parents--McBees of Bozeman; Parneis of Butte; Kerstens of Belgrade; Suttons of Broadview; and many others from other areas in Montana--testified in favor of home schooling. A professional historian testified in favor of the bill. Several pastors testified. Two retired public school teachers testified. Most cited Biblical and Constitutional reasons that freedom of choice in education is a right of parents. Many parents simply distributed written testimony to the Committee, and many of us distributed literature documenting the quality of home education, giving the names of some famous persons who were home schooled, and so on. Many parents, pastors and Christian school administrators simply were present to witness the proceedings.

Opponents of the bill were all representatives of state of teacher organizations: Alan Gunderson, chairman of the State Board of Education; Wayne Buchanan, Montana School Boards Association; Dave Sexton, MEA; Rod Svee, assistant State Superintendent of Public Instruction; and a couple of others representing organizations dealing with abused children and those with psychological problems.

It was interesting to note that all but one of these same persons testified just a few minutes earlier in favor of another bill the Committee is considering that would remove the oath to the Constitution that teachers must take. During their testimony on that bill they said it denied them freedom of choice and it was unconstitutional to force teachers to take the oath! It came out in their testimony that no teacher has taken the oath since 1975 anyway, a direct violation of the current law! They also testified that the home schoolers present in the room were not the ones causing them problems, but those who didn't come. Ironically, two families present in the room are currently being prosecuted and two more threatened with prosecution because of those organizations whose representatives stated what conscientious, industrious parents we were!

Rep. Nordtvedt did a marvelous job of presenting his bill and his reasons for it. He is a strong proponent of parental rights and pluralism in education. He is aware of the steady decline in public education and the different philosophies held by proponents of Christian education, whether in church schools or the home. He believes that parents should have alternatives, even if not based on religious grounds. His bill would give the supervision of the child's education to whoever supervises the child and would in no way threaten public school transportation to those who want it.

House Bill 49 is presently "tabled" in the Education Committee. This means that it is being discussed. Amendments to it are being considered; the exact wording is being considered; some Committee members want to join it to other bills under consideration. It is possible the bill could remain tabled until an effective death. However, if the Committee releases the bill, with or without amendments or rewording, it will go to the full House of Representatives for consideration. No bill is enacted into law without the approval of the House and the Senate, and the signature of the Governor.