

HOUSE EDUCATION COMMITTEE

January 10, 1983

The meeting was called to order by Chairman Daily in room 420 of the Capitol Building at 12:40 p.m. with all members present

Chairman Daily opened the meeting to a hearing on the following bills: HB 25, 30, and 49.

HOUSE BILL 25

REPRESENTATIVE KERRY KEYSER, District 81, chief sponsor, said the bill is the second bill of it's kind that was brought forward by the interim committee dealing with human services and youth in need of supervision. It is taking the costs of mandated requirements and the costs of courts sending youths out of state to an institution that isn't under our supervision. The costs are now being borne by the Office of Public Instruction. This is about a year and a half's work between the Department of Social and Rehabilitation Services and the different organizations that provide this service. We have some problems between the Department of Public Instruction and Social Rehabilitation Services, with regard to this particular bill. Rep. Keyser then passed out copies of amendments to the committee members. (see exhibit 1) Rep. Keyser then read out loud page 3, section 4, of House Bill 25. "if a child has been deferred by a court of competent jurisdiction to be an abused, neglected, or dependent child, as defined in 41-5-103, and has been ordered to be placed in a licensed child care institution which is approved by the Department of Social and Rehabilitation Services,". Rep. Keyser then said this is what we are trying to do because we are trying to unify the child care act under the Department of Social Rehabilitation Services. He suggested that Chairman Daily, appoint a sub-committee including representatives from the Office of Public Instruction and the Office of Social Rehabilitation Services, to get together and work out differences and to agree upon concise lines.

JUDITH CARLSON, Social Rehabilitation Services, stood in support of House Bill 25. She submitted a written testimony outlining some specific problems faced by this agency. (see exhibit 2)

GAYLE GRAY, Office of Public Instruction, seconded everything Ms. Carlson had to say, and submitted her testimony from OPI. (see exhibit 3)

JUDI BURKHARTSMAYER, Montana Association of School Psychologists, said we request that a fiscal note be attached to fund such placements through SRS. We support the bill because it is

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helpful to have a single agency regulating out of district placement throughout the state. We would like to see secondary level of students addressed in the bill and also the inclusion of delinquent youth.

There were no opponents to House Bill 25.

Rep. Keyser closed by stating that he would suggest appointing a subcommittee to let these areas work out the problems with the bill.

Questions were asked by the committee. Representative Eudaily asked Representative Keyser how the other bill, the companion bill, would affect this bill. The reply was that it is a companion bill because it came out of the two-year study for youth in need, youth in supervision, etc. It was divided into two bills because the OPI was involved, this was a funding matter, and it was separated for that reason only.

Ms. Carlson and Ms. Gray were asked if they were testifying on the original bill or on the amendments. Ms. Carlson's reply was to the original bill only, and Ms. Gray's reply was to the original bill, although they were made aware of the amendments prior to the hearing.

The hearing on House Bill 25 was closed at 12:55 p.m.

HOUSE BILL 30

REPRESENTATIVE EARL LORY, District 99, chief sponsor, opened by giving some background on the oath. For many years, there has been an oath for both the university system and the school system, that anybody teaching in either must subscribe to a certain oath. In 1969, this oath was challenged in Washington, and was taken all the way to the Supreme Court. The oath was declared unconstitutional because it was unconstitutionally vague. This bill addresses an unconstitutional oath, and I want to get it out of the statutes. If someone would like to propose an acceptable oath, I might support it. It leaves the Board of Regents in a position where they are forced to require this oath, yet they are ordered by a judge of the federal courts to enjoin from doing so. This is a bill to straighten up this dilemma.

RICK BARTOS, attorney for the Office of Public Instruction, stood in favor of the bill to delete the oath as it is now written in the statutes. Mr. Bartos declared that the oath, as it is written, is unconstitutional.

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All of the material following the word "Montana" is vague. The oath taken by Supreme Court Justices and by other public officials include such language where it ends at "Montana". We bring for informational purposes, alternatives for this oath. (see exhibit 4)

DAVE SEXTON, Montana Education Association, said that they would endorse representative Lory's bill. School board's don't always know that the courts have stricken the law, and it makes good sense to clean up the statutes.

BEVERLY GLUECKERT, representing self, spoke in opposition, stating that she wanted to go on record to say that she opposes the bill. We are citizens of a great nation. Each of us is part of the whole with privileges and responsibilities. This bill would result in acting against lawful authority and against the unity of our country.

CLAUDIA ABBEY, representing self, spoke in opposition, stating she is very distressed that a teacher of our children would not agree to support the Constitution of the United States and of Montana, and the laws of each. Further, by precept and example would not promote respect for the flag and the institutions of the United States and Montana nor have reverence for law and order. How can we expect our youth to not have problems, if those who teach them do not believe in upholding law and order in the state or nation?

VOLA J. BARRETT, representing self, said what good reason could there possibly be for deleting the oath of allegiance from the qualifications for anything? Surely, above all else, we want the teachers of our youth to teach and exemplify Americanism, reverence for our flag, allegiance and loyalty to the Constitution of the United States.

EVELYN JOHNSON, AMELIA CORBUTT, BEN EVANS, AND MARY BROWN, all representing self, spoke on record as opposing House Bill 30, for above-stated reasons.

Rep. Lory closed by saying that this bill is nothing new. This oath has not been administered since January of 1972. I want to clean up the statutes so that the Superintendent of Public Instruction is not violating the law or under an injunction. This oath is unconstitutional by declaration of the Supreme Court of the United States, it has not been used since 1972.

Questions were asked by the committee. Mr. Bartos explained to Rep. Nilson that when you look at an oath, you must ask some questions. Is it plain, straightforward and unequivocal? Does a person have doubts of the intent of the oath? In this

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case, the court found doubt of the intent of this oath. Is it a simple recognition that we are a government of laws and not of men? And finally, the court said a recognition and a respect of the oath does not necessarily mean a blind subvergence of that oath.

The hearing was closed on House Bill 30 at 1:10 p.m.

HOUSE BILL 49

REPRESENTATIVE KENNETH L. NORDTVEDT, JR., District 77, chief sponsor, said that right now, we have compulsory Public School attendance in this state, with the exception spelled out in sections 20-5-102. One exception is enrollment in private institutions, and there are some other special cases. Families that live remotely on a farm or ranch can have home study or correspondence study because of the difficulty of transportation to public schools. In the last few years, there has been a growing movement toward home study. Parents are taking responsibility for the education of their children. Due to changing times and concern of parents, there is a return in our society toward home study as an alternative to education. I think this nation was conceived in freedom, to carry out responsibility in the best way seen fit. Many parents feel this best way is to educate their children themselves. The present law leaves them in limbo. For a long time, they believed they were a private institution educating their children. The purpose of this bill, by striking the transportation clause from law, is to make home study a legitimate alternative to public education. We must allow pluralistic choices in our society. If we force all education to go through restricted routes, we are giving up options for creative alternatives to public education. Society is strong enough to carry out this pluralistic alternative.

VIRGINIA BAKER, a home schooler for many years, representing self, appeared before the committee to tell of her experiences. She taught her own children for many years, and emphasized that they are socializing well and have had no problems going from home school to dormitory life. They were active in extracurricular activities and are self reliant, inquisitive, and mature. Further information about her program is contained in a booklet outlining her program. (see exhibit 5)

DOUGLAS B. KELLEY, representing self, was called on by Rep. Nordtvedt to testify as the second proponent of House Bill 49. My purpose is to give you an assurance that people are being prosecuted across the State of Montana because of the present status of the law. Mr. Kelley is a lawyer from Helena, MT, and so stated that we have had compulsory education in the State of Montana since 1895. That was the first time we had a law. In 1903 it was amended. It stayed

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in that form until 1971 at which time recodification took place. At that point, something happened to home instruction. Prior to recodification, there was no question that you could have home instruction in the State of Montana. Recodification came out and we ended up with 75-6303. Mr. Kelley then handed out an exhibit explaining the statute. (see exhibit 6)

CHRIS MCBEE, representing self, said that the parents should have the right to determine the form of their children's education. His points included the following: (1) Home schooling is the most rapidly growing educational alternative. (2) Our courts are infringing upon the basic constitutional right of the parents to control their child's education. (3) There is a growing dissatisfaction with the public school system because of declining overall academic achievement, growing use and availability of drugs, and growing philosophical animosity toward the Judeo-Christian ethic. It is the constitutional right of parents to express their religious convictions through the education of their children. It is a fundamental form of worship and the way they feel is correct and right. The state must demonstrate a compelling need to remove the right of the parent to guide education.

G.R. WILSON, representing self, said that in regard to protecting rights of diversity and of opinion and practice, we must not suppress freedom. An affidavit could be filed, and student files made available to show evidence of early progress.

WALLY WLAYSEWSKI, representing self, assured the committee that the people who want to privately educate their children are nothing to be afraid of. Mr. Wlaysewski pleaded for a return to reason. When you have a monopoly in the hands of government, you have children who have no recourse and feel hopeless to change what is going on. People wrote constitutions to control the government, not the other way around.

FAYE KAUFMAN, representing self, said this is a constitutional issue that is backed by the 1st, 9th, and 14th amendments, as has been proven through the courts. As a parent and christian, I have been commanded to raise and teach my children. We had our children because we wanted them. We, at that point, took on the responsibility of raising and nurturing them. It is wrong to force parents to turn over their children and their responsibility to the state, when they desire and are fully capable of this task.

MARY BROWN, representing self, said she is in support of this bill because it works in educating children and teenagers. We are in an era where the values, both moral and social, which I believe in, are being abused and neglected. Also so many sound learning theories are disregarded. The importance

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of reading, writing, and arithmetic are essential. My sister has taught 6 of their children in the home school. They have received a good education, each is socially well adjusted.

POLLY L. BROESSNER, representing self, said she was submitting a personal religious testimony. I don't believe it is possible for our child to go to the public schools and still be true to the lord. God is seen seldom in the public school. Because it is to him that our allegiance is directed, I don't believe it is possible to practice our religious freedom in the public school system. I would like the option to teach my child at home.

PASTOR BLAINE DAUGHERTY, representing self, quoted several bible verses including Daniel 3:28, Deuteronomy 6:7, and Proverbs 30. Principle must dictate our decision. God instituted government as a terror to evil, and a protector of good, to preserve life. The responsibility of education is to parents. The government is responsible to protect this responsibility. This cannot be done by educators trained in humanism. The biggest problem facing educators is the lack of parental concern and participation. Parental liberty and religious liberty is at stake.

SHARON TUSKEN, representing self, said that as an American, the choice to educate our children belongs in the home. These children are the assets to our country and to the world. Parents are concerned for their children. It is those of us who have self esteem because we come from homes that care.

WILLIAM JOHNSON, representing self, said that as a concerned parent from the Boulder District, he has a desire to see his children educated in a religious environment. My wife and I are Seventh Day Adventist Christians with no denominational school available. We do not want our children in public schools, niether do we care to move. Education at home is a wonderful alternative.

JIM MAPELDORM, representing self, urged the committee to look for the facts and for the truth.

JOHN MAIZE, representing self, testified that due to religious convictions, and to the word of god, I support this bill whole heartedly.

SHARON PARNELL, representing self, said that she does not see protection within the public school system, and for the committee to consider what is being heard.

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PATTY BARNETT, LEONARD ROSSNER, AND D. KERSTEN, all representing self, went on record in support of H^Ouse Bill 49, for the above-stated reasons.

WAYNE BUCHANAN, Montana School Board Association, rose as the first opponent to House Bill 49. As an educator, I would like to say that if we had the kind of people that have testified today, there would be no difficulty in the public school system. The children raised in these homes get a very fine education indeed. Unfortunately, this is not the case everywhere. If we open home study to anyone who wants to use it, there will be abuses and the victims are the children in those homes. Parent's rights are very important and I agree with you when you say that parental involvement is important in the public schools. The public school system has made the United States the most literate country in the world. The public schools are doing a relatively good job in educating the children. The fact is that this kind of a bill would lend itself to abuse. People use home study to keep children at home. It is very difficult to make sure that the children in these homes are getting a good education. There is a socialization process that goes on in the public schools. It is important to introduce children to the world they will be living in.

DAVID SEXTON, Montana Education Association, said I don't think the issue is parental rights or religious rights. It is the child's rights. Every state has the obligation to provide quality public education. The way that obligation is carried out is through the compulsory education laws. Concerning home study, there is no way to know if the child is getting an adequate education. The problem is that the children don't have a choice because they are minors. What happens when a child hasn't received an adequate education? It is the State of Montana that is responsible. The public schools still have the duty to educate these children. If parents change their minds and no longer choose to educate at home, the public schools must bring them to the level they should be at. We have the benefit of the student in mind because this is what education is for.

RICHARD TRERISE, Montana Association of County Superintendents, said I have the most admiration and respect for the proponents of this bill. The concern that I have is that any time the private school question comes up in any form there seems to be such a gap between the private and public schools. Our association is opposed to this bill because of the way it is worded by removing the transportation provisions. The word supervised and supervised study do not have any qualification; they do not have any supervision on them. There will be abuses. Without supervision, those sorts of things will happen.

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JUDY BURKHARTSMEYER, Montana Association of School Psychologists, expressed concern because it appears that parents don't feel they have an opportunity to educate their children. One of the public school's main problems is the lack of parental support. If this support could be given to the public schools, they would welcome it. There are no regulations attached to the home school proposal. We are concerned about the children and their rights. There are options for parents who are concerned about their children receiving public education and that those options are adequate.

ALAN GUNDERSON, Board of Education, said that more and more home schools are springing up every year, and most of them are doing a good job. But there are the others who will use any loop hole in the law as an instrument to keep children home and not educate them. The state has an interest in seeing that every child of school age has an education. How can we make sure that every private school or home school is meeting the basic requirements? The Board of Education opposes it, as it only opens the door wider for the abuses.

ROD SVEE, Assistant Superintendent, Office of Public Instruction, said the reason we oppose the bill is because no one really knows what the requirements are, they do not know what the proper channels of commitment are. There is an explosion of complexity with this issue. I hope you can shed some light on the issue, and thread a grain of logic through all of it. The reason we oppose House Bill 49, is because the supervision clause is not defined. It is supervised by whom? Currently the district decides if transportation is to be provided for a student, or if they are to be educated through home study or correspondence. In each case, the course of study is determined from a list of specifications, and supervision is provided by certified teachers in the home.

Representative Nordtvedt addressed the committee in closing. There are many different views concerning this issue; moral, religious, pragmatic. This is the only way we can develop as many options as possible. We know that when a product is monopolized, people tend to consume less of it. Why do we have education? We want to create independent, people of character who are not at the mercy of government. The more ways we can fully develop the potentials of our children, the more we are going to succeed. We must presume that home schools are working until proven otherwise. I would like to remind you that parents have many different reasons for their desire to teach their children at home. There is a growing movement throughout the nation toward the home school. It is beneficial to society to encourage this.

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Questions were asked by the committee. Rep. Eudaily asked Rep. Nordtvedt if by striking rights are you relieving districts any responsibility for transportation of these students. The reply was that if they are not taught at home, it is the responsibility of the district. Home study is now used sometimes when people are so remote that it is basically impractical to transport those children to the public schools. By striking this, we are making legal supervised home study and not just in the cases of extreme isolation.

Rep. Eudaily then asked if in the case of home study, those people would be eligible for transportation from the school districts. The reply was to leave transportation for public schools the responsibility of the public schools.

Representative Kitselman then asked Rod Svec what effect home study would have on the average number belonging. The response was that no definite number can be ascertained, but the effect would be pronounced.

Rep. Sands asked Rep. Nordtvedt if he supports the requirement that children in Montana receive an education through the age of 16. The reply was I support the notion that they should get an education. It is a responsibility of the parents first and then of society.

Rep. Hammond asked Mr. Buchanan how we know that the children of today are getting an adequate education. The reply was I think that what goes on in public schools is under constant surveillance. We are constantly accountable to parents and to the agencies of the state. We have certified teachers who have been trained by state institutions. We are putting our faith into an entire system.

Mr. Sexton commented that if home schools are going to be allowed, there has to be some kind of monitoring. There is a lack in home schools because they cannot provide all of the opportunities the public schools have to offer.

Rep. Peck asked Rep. Nordtvedt if he had any plans to introduce legislation to get around the problem of supervision. The reply was that people of Montana are concerned about the various roots of education and that performance testing could be applied to all forms of education. Yes, I would give this serious consideration.

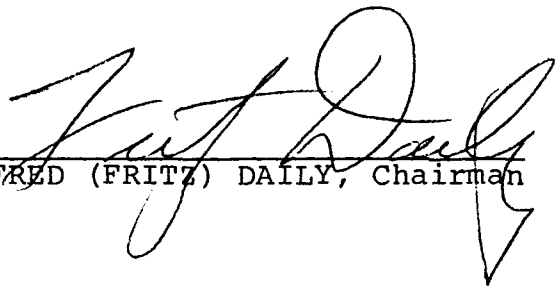
Rep. Eudaily asked Rep. Nordtvedt if he feels that with the passage of House Bill 49, the Board of Education would be relieved of any responsibility. The reply was I don't know, I feel that the parental responsibilities to the children come prior to the Board of Education so I could not support anything that would put the Board of Education prior to the concerns of parents.

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At 3:00 the hearing on House Bill 46 was closed by Chairman Daily. At this time he appointed a subcommittee to work on House Bill 25. The appointed members of this committee are Representative Roland Kennerly, Representative Ted Schye, and Representative Ralph Eudaily.

Chairman Daily mentioned that House Bill 39 would be heard in the House Chambers Wednesday, January 12 at 12:30

The meeting was adjourned at 3:06 p.m.



FRED (FRITZ) DAILY, Chairman



Cheryl Fredrickson, secretary

ADDITIONAL INFORMATION ATTACHED

Education

COMMITTEE

25, 30, 49

1-10-83

NAME		AGE	SEX
Walter T. Dalbey	Billings	Self	49
Claudia Abbey	"	"	49 30
Faye Kaufman	"	"	49 30
Ruth Corbett	Helena	"	30
Henry Hessler		Mont. House	25
James F. Mapledorn	Missoula	self	49
Ratty Barnett	Missoula	Self	49
JOHN H. MAIZE	HAMILTON	SELF	49
Evelyn B. Barn	Helena	Self	49 30
Glennine ^{Ferrell} Ferrell	Olson	Self	49

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

Education

COMMITTEE

BILL

25, 30, 49

Date

1/10/83

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Blair Daugherty	2945 Weaver Big S. MT.	Bill 49	✓	
Ed Wilson	Clancy	Independent - Bill 49	✓	
Charles B. Kelley	Helena	Independent	✓	
William J. Har	Boulder	Independent	✓	
Russell Johnson	Helena	SDA Church	✓	
Marion Hannah	Billings	Independent		
Karent McBee	Bozeman	Ind. 49	✓	
Chris McBee	302-D 50th Bozeman MT	Independent	49	
Carol Cocking	Butte	Independent	49	
Tracy Cocking	Butte	Independent	✓	
Sharon Sutton	Brookview	Independent	49	
Harold Sutton	Brookview	Independent	49	
Carol Daugherty	Billings		49	
Justin L. Sutton	Darby	Darby Baptist Temple	49	
Mrs. Virginia Baker	Fairfield	self	49	
Mrs. Sharon Gurnell	Butte	self	49	
Bill Samell	Butte	self	49	
Howard Rasmussen	Brookview	self	49	
Elton Lee	Lavina	self	49	
Rodney Sue	Helena	OPI		✓49

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE _____

COMMITTEE _____

BILL 25, 30, 49Date 1/10/83

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Judi Burkhardt	Helena	mt assoc Schol Bay	25	49
Richard Truse	Helena	MT assoc Co Supt	25	
"	"	" " " "	49	49
Thilly L. Pinner	Bozeman	Self	49	
Wally Wlapienski	402 A White	Montana & self + Historians	49	
Paul Hanson	Billings	Self	49	
Sammy Daffin	Fort Benton	Chouteau Co.		49
Wm. Anderson	Billings	Dg of Ed		49
Chas. J. Barrett	Helena	Self		30 X
Bern L. Evans	Helena	Self		30
Larry Winters	Helena	Mont. Thru Supt		
M. Brown	Helena	Myself		30
D. Kersten	Belgrade, MT	Myself		49
S. Tusken	Belgrade, MT	myself		49
Judith H. Carlson	HELENA	SRS		25
Gail Gray	Helena	OPI	25	
Shirley DeVoe	Helena	Helena School	25	30
Beverly Ghorob	Helena			
David Sexton	Helena	MA	30	49
Wallace W. Hardy	Kalispell	Co Supts of Sch.		49

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PROPOSED AMENDMENTS TO HOUSE BILL 25

1. Title, line 10.

Following: "LAWS;"

Strike: "AMENDING SECTION 20-5-301, MCA;"

2. Page 1.

Strike: Everything after the enacting clause

Insert: "Section 1. Educational fiscal responsibility of the department of social and rehabilitation services. (1) Except as provided in subsection (2), the department of social and rehabilitation services is financially responsible for the educational costs of a person declared by a court of competent jurisdiction to be an abused, neglected, or dependant child, or a delinquent youth, and has been ordered to be placed in a licensed child care institution or facility outside the district of his residence that is approved by the department of social and rehabilitation services.

(2) The school district of the person described in subsection (1) retains the financial responsibility for the tuition of the person to the extent that such tuition is determined for other situations:

(a) for elementary students as provided in 20-5-301; and

(b) for high school students equivalent to the amount that a high school student at the same high school costs the district for educating him, prorated to the time that the person is placed in the institution or facility.

(3) A student receiving tuition payments under this section is considered to be attending the paying district for the purposes of determining the ANB of such district.

Section 2. Effective date. This act is effective July 1, 1983.

Testimony on H. B. 25

An Act to Transfer, from the Office of Public Instruction to the Department of Social and Rehabilitation Services, the Fiscal Responsibility for the Educational Costs of Youths who are Ordered to out-of-district Educational Programs under the Youth Court Act or Child Abuse, Neglect, and Dependency Laws; Amending Sec. 20-5-301, MCA; and Providing an Effective Date.

My name is Judith H. Carlson, Deputy Director, Department of Social and Rehabilitation Services. The department understands the problem at which this bill is aimed. We are in sympathy with attempts to solve that problem. However, we have not had enough time to study this particular solution and have a number of criticisms of it as now written.

We do support its companion bill which is being heard in the human services committee on Friday. It appears that this bill is attempting to bring an aspect of the Office of Public Instruction into compliance with the intent of HB 24 - to have a single state agency administer residential care programs for dependent, delinquent, and youth in need of supervision. However, the necessary investigation of impact of this bill has not been carried out.

1. This bill mentions only elementary school tuition. Thus, high school and out-of-state children and youth are not included.
2. This bill does not include the category of youth who are called "in need of supervision" who also may be ordered by the court into an out-of-district placement.

3. This bill uses the term "licensed child care institution." This term is not defined anywhere in Montana law.
4. This bill is unclear as to whether the child's specific placement must have been ordered by the court; or does it include any child under SRS court ordered custody?
5. This bill does not define or give guidance on the scope of tuition costs for out-of-state placements. This is an area with many potential conflicts.
6. This bill relieves the OPI of its responsibility to pay for out-of-district tuition. It also seems to relieve local school districts of all of their obligations under present law for these children.
7. The full financial impact of this bill is very difficult to ascertain. Our department has submitted a fiscal note with a \$1.1 million first year increase and a \$2.4 million increase for the biennium.

Thus, the Department of Social and Rehabilitation Services supports this bill if it can be amended to take care of these concerns. We will be pleased to work with all interested parties to this end.

Judith H. Carlson
Deputy Director
January 10, 1983



Exhibit #3

OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

January 10, 1983

To: Fritz Daily, Chairman
House Education Committee

From: Gail Gray, Manager
Special Education (449-3693)
Department of Special Services

Re: HB25

A bill for an Act entitled: "An Act to transfer, from the Office of Public Instruction to the Department of Social and Rehabilitation Services, the fiscal responsibility for the educational costs of youths who are ordered to out-of-district educational programs under the Youth Court Act or child abuse, neglect, and dependency laws; amending Section 20-5-301, MCA; and providing an effective date."

The Office of Public Instruction supports HB25 on the condition of passage of HB24 for the following reasons:

1. HB24 lists educational costs as one of the cost areas to be paid from a fund allocated to the Department of Social and Rehabilitation Services for payment of court placements. Tuition is an educational cost. This bill would eliminate duplication of payment.
2. Elementary students are often placed by the court with no input by the resident school district. Tuition must be paid by the resident school district at the expense of district taxpayers.
3. The fiscal note of \$75,000, supplied by the Office of Public Instruction, only covers handicapped students.

GG:mf

AMENDMENT TO HB 30

1. Title.

Following: line 6

Insert: "TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR, INSTRUCTOR, OR TEACHER EMPLOYED BY ANY UNIT OF THE UNIVERSITY SYSTEM SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING EMPLOYMENT;"

2. Title, line 7.

Following: "MCA"

Insert: ";AND REPEALING SECTION 20-25-106, MCA"

3. Page 4.

Following: line 4.

Insert: "Section 3. Repealer. Section 20-25-106, MCA, is repealed."

20-25-106. Oath required. (1) Every professor, instructor, or teacher employed by any unit of the university system shall subscribe to the following oath or affirmation before some officer authorized by law to administer oaths:

"I solemnly swear (or affirm) that I will support The Constitution of the United States of America, The Constitution of the State of Montana, and the laws of the United States and the state of Montana and will, by precept and example, promote respect for the flag and the institutions of the United States and the state of Montana, reverence for law and order, and undivided allegiance to the government of the United States of America."

(2) This oath shall be executed in duplicate before entering upon duty. One copy shall be filed with the president of the employing unit and one copy retained by the subscriber.

(3) The above requirements shall not apply to exchange professors or temporary employees.

Teaching Your Children at Home



by
Virginia Earl Baker

TEACHING YOUR CHILDREN AT HOME

"Training for eternity"

A mother who has taught her own children at home shares
her knowledge and experiences of the past nine years.

by

Virginia Birt Baker

1981

SOME OF THE LETTERS

Dear Mrs. Baker:

"We are interested in teaching our children at home. Your name was given to me by a friend who said you may have some helpful information you could pass on. We would appreciate anything and everything." K. McD.

"Please send me any information you have on Christian correspondence schools in the U.S. We heard about you from the — —s." D. F.

"Several parents of children I have tutored have asked me to teach them full time. The parents are disgusted with the schools and want to take their children out now. I called — —, and she suggested I write to you. I would appreciate any advice you could give." H. M.

"Your name was sent to me by the — —s as a contact for information on teaching children at home. I have been teaching my five and seven year old daughters. My main desire is to find a group to affiliate with for legal help. Any information you can provide would be appreciated." L. B.

"We have started teaching our children at home this year. The juvenile authorities were out to see us once already and said it looks legitimate. However we would like to know what our rights are concerning this. We really don't know what the laws are." C. McM.

"Recently I received a letter from — — in which she sent your name and address. She mentioned that you have been teaching your own children and have done a great deal of research. I also am teaching my own children. It is so exciting to hear about and contact people who have decided to take firm action about their children and teaching them themselves. God bless you." M. J.

"We need help as how to go about starting a private school. Would so appreciate all your information on how you got started, your problems, cost, etc. We have tried to get the reading program changed in our school and without success, and it's to the point now that we either go to a different school district or have a private school. Either way some of us drive 20 miles from town, but the children have to get help now! Congratulations on doing something to help your children." L. G.

"Recently we wrote to — — inquiring how they managed to teach their son at home. She referred us to you. As Christians we are very concerned about the quality of environment our children are in. We are also concerned about a recent House bill that proposes that children 12 and under may receive psychiatric treatment if an official or the child feels he needs it. The parent need not be informed. Now you can see why we are eager to teach our children at home. We would be most grateful for any information you can send." J. M.

"I am teaching my kindergartener at home now with a curriculum of my own making. But, there is no way clear for me to devise a curriculum for my fifth and seventh graders! Also, I need good texts, Christian texts." D. G.

"How are you doing on your research for home teaching? I get so many letters on this. Could you give me a simple list of the states that do allow home teaching, and those that do not? I need this help." M. D.

"I was given your name and address as a source of information on teaching children at home. We're trying to find out the problems parents may encounter as well as what curriculum, etc., is being used by parents already involved. Any information you have available would be greatly appreciated." J. G.

"Thank you very much for the material you sent. We have gone to a couple of bookstores and gotten some books for —. Just having some ideas what to teach and how to teach it helps." B. C.

"Your work was brought to my attention by — —. She commended you highly for your educational contributions." D. E.

"My husband and I are interested in educating our three children at home. We feel that the public school systems do not teach or uphold the Christian morals or standards we stress at home. We would appreciate any information and encouragement you could supply towards this endeavor. This is new to us but we are determined." R. S.

"Your book is going to be the clincher for many American parents who dare to teach their own children at home. Most are afraid of local school officials, because they don't know their own rights. I would like to recommend your book in both of my books, for parents who are still hesitant." D. E.

"I would like to know why you teach your children at home, how did you get yourself qualified to teach at home, and does your school district harrass you." L. R.

"I'm writing to request any information you can send me on teaching children at home. Love in Jesus." S. E.

"There are eleven of our families in our church who are teaching their children at home. We are in the process of formulating our own curriculum and would welcome any constructive advice in any area as you have been involved much longer than any of us." E. H.

"I am teaching my six year old daughter at home now. In our state a child does not have to attend school until the age of seven so we have not run into legal problems and only minor ones from the school authorities. Next year I'm afraid the story will be different and I want to be prepared by educating myself. I also plan to take my son out of public school. He is now in sixth grade and very unhappy with the public school system. What are the laws in my state on this?" H. T.

"Would you please send me a good phonics book and also a science creation book as soon as possible. I would like to begin with these to supplement the boys' schooling at this time, as we wait upon our Lord to open the way for a Christian school." M. F.

"Recently when we were in — we met friends we have known for several years. They do not want to send their children to a public school and want to teach them at home. They fear it may not work in their state. We told them about you folks and that you had done this. They asked us to pass the word on to you. Would you please write them?" A. Y.

"We have just learned that one of the boys who is in 8th grade is being taught math out of a 4th grade book!" M. F.

"I recently came across your name and address in a — Magazine. I teach my two sons at home. They are 10 and 13 years old. There's not much help available here in — that I know of. At times I just get lost in all the book work. I'm writing to find out what sort of help is available, in the way of books, suggestions, etc." L. P.

"Your book is excellent. It is exactly what people who are considering home education need. Thank you for your marvelous book." M. M.

"Last fall's — Magazine mentions your concern with the legal aspects of home education. Do you have material that you can share on this subject? Several families in my church teach their children at home." S. S.

DEDICATION

This small "how to" book is dedicated to those many, many parents who have written, called and visited me over the years. For one reason or another, they want to teach their own children at home, and they haven't known where or how to begin.

VBB

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HOME SCHOOLS AND THE COMPULSORY ATTENDANCE STATUTES

In August, 1980, the attorney general of Montana, Mike 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 states¹ 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. Counort*.² In reaching his decision he relied on one excerpt from the *Counort* opinion which is quoted in a study on compulsory attendance law.³ This study misreads the *Counort* 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.⁴

Focusing on this excerpt alone leads to an inaccurate conclusion. Even *Counort* does not support such a generalization, for the *Counort* 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.⁵

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.⁶

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*⁷ and *Farrington*,⁸ but that parents need not enroll their children in any statutorily recognized educational program.⁹

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."¹⁰

WITNESS STATEMENT

NAME RUTH CORBETT BILL No. 30
ADDRESS 1322 8TH AVE DATE 1-10-83
WHOM DO YOU REPRESENT SELF
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I am opposed to the portion that would be deleted by H B 30. There are the very principle our great country ^{is} ~~is~~ founded upon. If anyone is ashamed to stand up for these, they have no business teaching our children. What is left for life, if one removes what gives us our liberty?

WITNESS STATEMENT

NAME Beverly Glueckert BILL No. 30
ADDRESS 1529 Choteau St. DATE 1/10/82
WHOM DO YOU REPRESENT Myself
SUPPORT _____ OPPOSE Oppose X AMEND _____
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We are citizens of a great nation - each of
us a part of the whole with privileges and responsibilities.
As a citizen one owes allegiance to his country
and flag.
This bill would result ^{acting} ~~actually~~ against
lawful ^{authoritative} authority and acting against the
unity of our country.

WITNESS STATEMENT

NAME Ben G. Evans BILL No. 3a
ADDRESS 2a So Raleigh DATE 1-10-83
WHOM DO YOU REPRESENT Self
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

AS a past school Board member of Helena Dist #1 & past commander of Helena Legion past I regret that such legislation would even come up. How could any sincere American be opposed to an oath to defend our constitution and flag. I could not as a citizen support anyone opposed to such an oath.

WITNESS STATEMENT

Name Mary Brown Committee On HB 30
 Address 1530 Peosta Date 1/10/83
 Representing self Support _____
 Bill No. 30 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. I feel that a public school supported by the people should uphold the constitution of Montana and U.S.
2. A respect for flag and constitution is a most important part of education.
3. As a mother of 6 children I want any teacher my children have to take this oath.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

NAME Sharon Tusken BILL No. 30
ADDRESS P.O. Box 689 Belgrade, MT 59714 DATE 10-10-83
WHOM DO YOU REPRESENT myself
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Faye Kaufman BILL No. 30
ADDRESS 1330 Ave F Billings, MT DATE Jan 10, 1983
WHOM DO YOU REPRESENT self
SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I feel that HB #30 is very destructive for a public person to avoid. Our teachers are who our children look up to, respect, and develop a lot of their values from (since they spend ^{the} majority of their time with them from age 6 - 18 yrs). If a teacher, cannot or will not swear to an oath that supports the Constitution or the laws of our country & state, I do not want him or her to be in a "spot light" that our children look up to.

WITNESS STATEMENT

NAME Claudia Abbey BILL No. 30
ADDRESS 545 Clark Billings, MT 59101 DATE 1.10.83
WHOM DO YOU REPRESENT Self & family
SUPPORT OPPOSE ✓ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am very distressed that a teacher of our children, the future of America, would not agree to support the Constitution of the U.S., Montana, & the laws of each. — Further, "by precept and example" would not "promote respect for the flag and the institutions of the U.S. & Montana" — nor have "reverence for law and order".

How can we expect our youth to NOT have problems, if those who teach them do not believe in upholding law & order in the state or nation?

I am amazed that this "idea" is even considered let alone a Bill presented for possible law.

WITNESS STATEMENT

NAME

Nola J. Barrett

BILL No.

30

ADDRESS

900 Highland Helena

DATE

Jan. 10, 1983

WHOM DO YOU REPRESENT

myself.

SUPPORT

OPPOSE

☒

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

What good reason could there possibly be for reason of deleting the oath of allegiance from the qualifications for anything?! Surely, above all else, we want the teachers of our youth, to teach and exemplify Americanism, reverence for our flag, allegiance and loyalty to the Constitution of the United States! If this bill became law, one can only imagine ^{what} the opening of Pandora's box could bring about. ^{It's a sorry state of affairs if this oath is deleted because it is unconstitutional} I feel that your legislators, representing the people of this state, have taken similar oaths of allegiance and must uphold such requirement. It is your duty.

Helena, Mont.
January 10, 1983

Chairman and Members of the Committee:

As an American Citizen, Taxpayer, Educator, and Parent, I strenuously object to passage of HB-30. For those Educators who would object to taking a loyalty oath - far better that they would be permanently removed from the teaching profession.

At a time when America is inundated with hundreds of thousands of Aliens (legal and illegal) it becomes even more important that the loyalty oath be taken AND UPHELD. We owe it to our natural born citizens and immigrants that a strong loyalty and sense of pride in our nation emerge from those in influential teaching roles lest America lose her sense of identity as a nation.

I feel it is an affront to the integrity of educators to be denied taking an oath - not unlike an oath that our President and Congress is proud to take.

Furthermore, I would add that we uphold that oath by insisting that all Educators pass a substantial course on the American Constitution and that it be mandated as a course from 1st to 12th Grade.

We robbed our students of God by censoring our Creator out of the classroom. We belittled our National Heroes, trampled family values, curtailed solid academic courses to make way for endless and questionable social studies and allowed the substitution of the Planned Parenthood's hedonism to contaminate earlier moral values.

The image of the public schools is at an all time low with the resultant exodus of numerous students to private schools. It is of paramount importance that we upgrade our former standards of patriotism, morals, and academics.

To deny Educators the dignity of taking the oath would only be a further corrosion of the public school system. Better to build proudly than destroy.

I urge you strongly to not pass HB-30. Thank you.

Sincerely,

Rose Mary Rodgers
Rose Mary Rodgers

1517 Flowerree
Helena, Mont. 59601

EXHIBIT "C"

Page 1

A special public hearing on Senate Bill No. 1 and House Bill No. 1 was called to order at 7:15 p.m. in the Senate Chamber on January 5, 1971, by Senator Robert S. Cotton, Chairman of the Senate Education Committee. All members of the Education Committee of both the Senate and House of Representatives were in attendance.

Senator Cotton then introduced Senator James, who authored Senate Bill 1, for opening remarks. Senator James then explained the work of the sub-committee on recodification of the school laws. He reported Senate Bill 1 was the result of a long and tedious effort on the part of the Legislative Council and the sub-committee which had been put in charge of recodification of the school laws, involving elementary, secondary and higher education. The Senator stated the sub-committee decided it would limit its efforts entirely to cleaning up the statutes, recodifying in four particular areas, and bringing in no substantive changes whatsoever; that any area needing changing would be introduced in the form of special bills or separate legislation in order not to jeopardize the passage of the recodified laws, as being presented in S.B. 1. It was the unanimous decision of the sub-committee that the recodification contain no substantial changes in the law as it appears today and Senate Bill 1 merely presents the law now in effect in considerably better shape. Senator James explained that Title 75 containing the school laws would be about 60% in size of the original Title 75, R.C.M., 1947, after the sub-committee shuffled things around and arranged the material contained therein in logical sequence and grouping everything into eight major categories.

"Recodification of School Laws, Elementary & Secondary Education, Higher Education", a report published by the Montana Legislative Council, is available to the public. In addition to re-organizing the items in a logical sequence, the sub-committee eliminated obsolete material. For example, a chapter introduced in 1939 by Senator James set up a state correspondence school and is not used at the present time for various reasons. There was also elimination of duplicated material in the statutes, as well as contradictory material. The sub-committee tried to interpret what the law expressly stated and also took into consideration the actual practice of recent years, and tried to write the law as it is now carried out. Senator James reported that if Senate Bill 1 could be rapidly passed as presented, and signed into law by the Governor, then subsequent bills could be introduced to amend the recodified laws. If Senate Bill 1 could be passed within the first ten days to two weeks of the 42nd Legislative Session, it would leave the remainder of the Session in which to offer amendments, and time, therefore, is of the essence. Senator James then expressed the gratitude of the sub-committee to James Kenny of the School Board Association, Lloyd Markell of the Montana Education Association, John Campbell of the State

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Superintendent of Public Instruction's office, and many others who were involved in this work. He then passed out the work sheets used by the sub-committee to show those in attendance how the actual bill was arrived at. In the lefthand column the existing law is shown, the middle column shows the law as it has been rewritten, and the righthand column contains the reason therefor. Senator James stated that John Campbell of the State Department of Public Instruction made the format, which the sub-committee then worked word by word, section by section, and chapter by chapter.

The meeting was then turned back to Senator Cotton, who called for questions from the floor.

It was asked whether the recodification affected only Section 575, R.C.M., 1947, or if other sections were involved. Senator James answered that very few things outside of Title 75 had been covered, other than one or two sections at the very first. He reported that the sub-committee is very sincere that there are no substantive changes, and in the words of Mr. Kenny Senate Bill 1 is a "pure recodification" of the existing law. Senator James reported that the 27 to 30 worksheets used by the sub-committee, which had been passed around earlier for examination, would be available for study in the Education Committees of the House and Senate, and to all members when the bill is presented to the Committee of the Whole.

Senator Bollinger then asked the last time a recodification was done, or if it ever had been?

Senator James explained that an attempt had been made about four years ago, but that it had never actually been accomplished to his knowledge.

The question was raised as to how long this particular study had been going on. It was reported that it began in March, 1969, and that there were 13 meetings held of two to three days each. Every section was gone over sentence by sentence, word by word.

Representative Kvaalen asked if there were prepared amendments to be introduced as subsequent changes to the law as soon as Senate Bill 1 was passed.

Senator James answered yes, that bills are drafted and could be introduced upon passage and approval of Senate Bill 1. Thirty changes had originally been considered by the sub-committee and these had been screened down to ten on elementary and secondary education and two on the University level. These will be introduced for consideration after Senate Bill 1 and Senate Bill 2 have been disposed of. Senator James reported that with regard to amendment, it was determined that it would create havoc to try to amend the presently introduced bill and might jeopardize its passage. The sub-committee had conferred with Dolores Colburg, Superintendent of Public Instruction during the

afternoon and later with the Governor, and everyone seems to be in accord with the effort of the committee. If there is some area of error, anything discovered could be corrected at the present Session by introduction of a bill amending the incorrect section.

Representative Warfield reported that a table of contents had been prepared to enable persons to find particular parts of the bill in which they are interested.

Senator Gilfeather asked whether there is a cross-index whereby a person could tell the old section which is being replaced by the introduced legislation. Senator Cotton stated that in some instances it had taken a little time to cross-check some of the sections which had been transferred to another section. However, there was not sufficient time to prepare such a cross-index on section numbers. John Campbell indicated the Legislative Council had a cross reference of old and new sections in that there is a copy of the recodification showing the present law and the recodification, and that copy gives the new section number together with the old number. Mr. Campbell reported he did not have time to prepare a cross-index otherwise. It was stated that John Campbell did most of the work in preparation of the recodification. The sub-committee then read his proposal, and if there were any changes to be made, he would take care of them and present them to the committee at their next meeting.

Senator Cotton asked Senator Rowell, Representative Brand and Mrs. Colburg if they had any comments. They replied no.

Senator Cotton called upon John Campbell to explain the organization of the recodification.

Mr. Campbell reported the recodification of the school laws, or Title 75, R.C.M., 1947, was divided into eight major areas and in the organization of the bill they appear as:

- (1) Public Officials
- (2) School Personnel
- (3) Election
- (4) Organization of Schools and Districts
- (5) Finance
- (6) School Services
- (7) Sites and Facilities
- (8) Miscellaneous

Category 1, public officials, covers four chapters: Chapter 56, State Board of Education; Chapter 57, Superintendent of Public Instruction; Chapter 58, County Superintendent; and Chapter 59, School District Board of Trustees.

Category 2, school personnel, covers Chapter 60, certification of teachers; Chapter 61, school personnel, which includes teachers, principals, and superintendents; Chapter 62, teachers retirement

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system; and Chapter 63, pupils, compulsory attendance and tuition.

Category 3, election, covers Chapter 64, school district elections.

Category 4, organization of schools and districts, is contained in Chapter 65, school districts; Chapter 66, organization of schools in each district.

Category 5, finance, covers Chapter 67, school budget system; Chapter 68, school financial administration; Chapter 69, general fund budget and foundation program; Chapter 70, school transportation; Chapter 71, school district bonding; Chapter 72, other school funds; and Chapter 73, miscellaneous financial.

Category 6, school services, covers Chapter 74, school calendar; Chapter 75, instruction, including accreditation and courses; Chapter 76, textbooks, having to do with licensing of textbook dealers; Chapter 77, vocational education; Chapter 78, special education; Chapter 79, traffic (or driver) education; Chapter 80, school food services, Chapter 81, community college districts.

Category 7 covers Chapter 82, school sites and facilities.

Category 8 covers Chapter 83, miscellaneous, which includes fines and penalties, oaths of office, fire drills, and school safety patrols.

The question was asked as to how to obtain a copy of the study referred to. It was reported that it had been provided by the Legislative Council. The Council initially planned to send the study to larger districts, but will also provide copies upon request.

Senator Cotton made note that the press hasn't published much on the introduction of Senate Bill 1. However, he hoped the information will be generally spread. It is also hoped that those who have prepared bills for amendment will revise them now in view of different section numbers contained in Senate Bill 1. Such amendments will have to be introduced within 17 days after start of the Session.

Representative Spbell questioned whether or not to leave those bills not relating to sections of Senate Bill 1, or whether they could be substituted later. Due to the indefinite time involved, they don't want to get caught short in being able to introduce amendments to the law presently in effect should Senate Bill 1 fail to pass. It was explained that should the bill pass, subsequent submittal of bills could be introduced prior to the 17th day in order to amend Senate Bill 1. Dee Cooper felt a bill should be put in to amend the law in effect at the time a given bill is submitted. Senator James replied that the sub-committee had talked about this situation and wondered what plan would be most workable. Possibly, all bills could be

submitted in duplicate, one showing the old section numbers and one with the section numbers as contained in Senate Bill 1. The best way would be to get legislative cooperation to enable swift passage of the bill and thus allow sufficient time for submission of amendments to that bill. Senator James again reiterated that no legislator is taking a chance in voting for the bill since the bill can subsequently be amended if errors are found.

Senator Cotton then called upon Edward W. Nelson, Executive Secretary of the University System, to give a resume of Senate Bill No. 2. The work done on Senate Bill 2 was handled in approximately the same way as was done on Senate Bill 1, but on a much smaller scale. The same rules prevailed during the drafting of the bill, however. The work done on the bill was mainly at the School of Law at the University of Montana, under the guidance of Dean Gardiner Cromwell. The sub-committee tried to establish a logical framework. The bill establishes a system stating what the government's powers are relating to regents. The language was also changed in referring to the Montana law enforcement academy as used in describing the Montana University System. There are some bills prepared which will be submitted as amendments if Senate Bill 2 is adopted.

Senator Cotton then asked if there were any additional questions pertaining to Senate Bill 1. It was asked whether some of the people around interested in education will have a chance to look things over and whether there might be another special meeting held in order for them to attend.

Senator Cotton stated that he could only comment as chairman of the committee on education, and that he would hope that there would be enough favorable support that the bills could be started through legislative processes. However, he assured those present that the Senate Committee on Education will take a close look at both bills and he is sure the House Committee will have the same desire. As had been explained, there is always the possibility of amending both bills after they are presented. Should it appear that additional meetings are desired, the chairman is sure those responsible for such meetings will see that they are held. It is desired that the bill be passed as is and then any amendments may be introduced.

Representative Schoonover reported that one problem will arise around the first of April and this might be a bad time. Representative Warfield stated that there are really no changes in the present law except in how the elections are conducted, and that small changes will be disseminated by Mrs. Colburg's office and will be in sufficient time for school elections to be conducted the first part of April.

There being no additional comments, the meeting was adjourned by Chairman Cotton at 8:20 p.m.

SENATOR COTTON, Chairman

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A meeting of the Education Committee was called to order at 11:45 a.m. in room 402 on January 6, 1971. Chairman Cotton opened the meeting, welcoming the two new members of the committee, and the secretary called the roll. Visitors were Intern David Irving of Glasgow, who is a student at Jamestown College is North Dakota, and Rosie Weber of the Legislative Council. Bills to be considered are Senate Bill 1 and Senate Bill 2.

Senate Bill #1. Senator James explained the bill briefly, commenting that all members were at the meeting last evening and had heard the discussion at that time. He stated that John Campbell, employed by the Department of Public Instruction at that time, had been of considerable help to the sub-committee since he is an expert in matters of this type and is very knowledgeable in his field, having worked on similar projects in other states. He again emphasized that the intent of the law had been maintained in S.B. 1.

Senator Klindt expressed his concern that being an employee of the State Department, Mr. Campbell might have worked in some parts which would benefit the Department. However, many members of the committee reported that a close watch had been maintained, and they felt nothing of this sort had happened. Mr. Campbell is no longer with the State Department, and at no time did the Superintendent ever, in any way, attempt to influence wording of the bill; that complete cooperation from the Superintendent's office had been offered.

Although no longer employed by the Department, Mr. Campbell has pledged his support in whatever he might be able to do to assist the committee.

A discussion was then had relative to cross-indexing of the old section numbers with the numbers as now set out in S.B. 1. The Legislative Council does have a work copy showing such numbers, which would be available to the committee.

As a new member of the committee, Senator Carl asked if there had been a number of bills submitted over the past ten or fifteen years to revise different portions of the present law and that as a result of this, is this why the recodification is being proposed at this time? Senator James advised that such is the case every Session.

It was advised that if immediate passage of the bill could be obtained, there are still fifteen days from this date in which to submit desired amendments.

Senator Thiessen then moved that the committee recommend Senate Bill 1 DO PASS. His motion was seconded by Senator Brownfield, and the motion carried unanimously.

Home education is an enduring American tradition and right, having produced such notables as Abraham Lincoln; Woodrow Wilson; and Thomas Edison.

While the state may adapt a policy of requiring the education of children it does not have the unlimited power to require they be educated in a certain way at a certain place.

But we count it a privilege to have this wonderful opportunity, in a land of freedom, to have a choice in how our children are educated.

John Quincy Adams regarded his name as a perpetual admonition to live a noble life. The Revolutionary War and the Battle of Bunker Hill, both of which he was witness to, confirmed a serious habit of mind from early childhood.

As his father was often absent from the home, his mother came to depend upon John when he was still a boy. His education began at home under a tutor, and it continued in Europe in the company of his father. It was not until he entered Harvard that he attended a regular school for any length of time.

John Quincy Adams is one of many home education success stories.

General George S. Patton: He was spared the tedium of the classroom until he was twelve. To say that he was unhappy at school is an understatement.

President Franklin D. Roosevelt: Until he was fourteen, Franklin studied at home and his education was supervised by his mother.

Konrad Adenauer: Chancellor of the German Republic, 1949-1963 His father taught his children to read before they attended school.

William Dean Howells: sometimes called the "Dean of American Writers" was associated with magazines and realistic fiction. A total of 16 or 18 months, in random periods, was all the formal schooling the future novelist received.

General Douglas MacArthur: He passed his entrance tests at West Point with the highest score ever received by an applicant. His mother had been his only teacher until he was 13.

A. A. Milne: author of "Winnie the Pooh" The schoolmaster father made learning fun. In Papa's house it was natural to be interested, it was easy to be clever.

Pearl Buck: author of the "Good Earth" Until she had gone away to school in Shanghai at 17. Pearl had previously had most of her lessons with her dynamic and imaginative mother at the dining room table.

Winston Churchill: Prime Minister of England, also was privately tutored for some time as a young adult instead of attending school.


STATE OF MONTANA,) IN THE JUSTICE COURT OF
Plaintiff,) JANET E. ESCHLER
vs.) BILLINGS, YELLOWSTONE COUNTY, MONTANA.
Mr. & Mrs. Ward Sutton) COMPLAINT
Defendant(s).) CAUSE NO. 9495

The undersigned Deputy County Attorney of Yellowstone County, Montana, states: before the filing of this Complaint, the above named Defendant(s), in Yellowstone County, Montana, on or about September 20, 1982, committed the offense of:

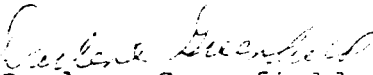
FAILURE TO ENROLL A CHILD UNDER 16 YEARS OF AGE IN SCHOOL (MISDEMEANOR) as specified in Section 20-5-102(1), Montana Code Annotated.

The facts constituting the offense are:

That the defendants, Mr. & Mrs. Ward Sutton, being the parents or guardians of Portia Sutton, DOB: 03/14/75; Jason Sutton, DOB: 11/28/69; and Dolan Sutton, DOB: 05/29/71 and having charge of said children did fail to enroll the children in a public, private or parochial school meeting the instructional program prescribed by the board of public education; all of which is contrary to the form, force and effect of the statute in such case made and provided, and against the peace and dignity of the State of Montana.


Michael S. Becker
Deputy County Attorney
Yellowstone County, Montana

Subscribed and sworn to before me: September 24, 1982.


Darlene Greenfield
Notary Public for the State of Montana
In and for the County of Yellowstone
My Commission expires December 15, 1983.

(Notarial Seal)

STATE OF MONTANA,)	IN THE JUSTICE COURT OF
Plaintiff,)	
)	BILLINGS, YELLOWSTONE COUNTY, MONTANA.
vs.)	
)	<u>AFFIDAVIT IN SUPPORT OF COMPLAINT</u>
MR. & MRS. WARD SUTTON)	
Defendant(s).)	CAUSE NO.

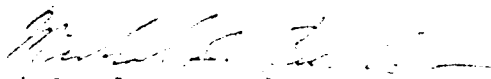
The undersigned Deputy County Attorney of Yellowstone County, Montana, states that he has information and believes that the above named Defendant(s), in Yellowstone County, Montana, on or about September 20, 1982, committed the crime of:

FAILURE TO ENROLL A CHILD UNDER 16 YEARS OF AGE IN SCHOOL (MISDEMEANOR)

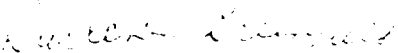
The Court is informed that:

On September 20, 1982, Andrew S. Veis, Superintendent and Attendance Officer of School District 21, Broadview, MT reported to the Yellowstone County Attorney's Office that Mr. and Mrs. Ward Sutton, being the parents or guardians having charge of three children between the ages of seven (7) and sixteen (16), had not enrolled their children in a public, private or parochial school meeting the instructional program prescribed by the board of public education. A certified letter informing the Suttons of their duty to enroll the children, and the consequences of failure to enroll within two (2) days of receipt of the letter, was sent to them on September 3, 1982.

The children have not been enrolled in a school, and have not been excused from enrollment under any of the provisions specified in section 20-5-102(2)(a) through (f), MCA.


 Michael S. Becker
 Deputy County Attorney

Subscribed and sworn to before me on this day: September 24, 1982.


 Darlene Greenfield
 Notary Public for the State of Montana.
 Residing at Worden, Montana.
 My Commission expires December 15, 1983.

(Notarial Seal)

and of the parents who operate them

Many of our readers responded to Gunnar A. Gustavsen's questionnaire and we at N.A.H.E. thought you would be interested in his findings. —M.B.

A Dissertation Abstract
Andrews University
by
Gunnar A. Gustavsen, Ed.D
Berrien Springs, MI 49103
1981

Introduction

The "great American dream" was to provide every citizen with an equal opportunity in education, personal development, and prosperity, providing the world with a model thereby, not only for government, but for living.

The American public school system has enjoyed phenomenal success, assuming greater and greater responsibilities for the education of children and youth. The expenses have reached staggering proportions which have had to be met through taxation. Consequently, an elaborate and comprehensive educational system has resulted.

It appears, however, that this public service no longer enjoys the popularity and confidence it once knew. Major weekly news magazines have given considerable attention to the home school movement and other alternatives to public education.

Problem

The home school movement in America presents a rapidly-emerging alternative to conventional educational systems. The purpose of this study was to identify selected characteristics of home schools and the parents who operate them.

Method

The sample population used in this study were the names of 312 home school operators obtained from a number of home school parent groups across the nation, through the cooperation of the Hewitt Research Foundation, Berrien Springs, Michigan.

The parents were asked to respond to a mail questionnaire designed to provide answers to five specific research questions:

1. Reasons for operating home schools
2. General nature of home schools
3. Essential elements for success in home schools
4. Psychographic characteristics of home schools
5. Demographic characteristics of home schools.

In order to maintain respondent anonymity, the questionnaires were sent out without response identification coding. At the time of the processing deadline, 70.8 percent of the questionnaires had been returned. Responses were sorted into two categories as usable or non-usable.

Since the major purpose of the research was the development of a profile of home schools and home school operators, no hypotheses were developed or tested. The study employed central tendencies such as mean, median and mode, rank and percentages.

The responses to the structured questions were tabulated and categorized according to the research design and analyzed employing tables and displays.

Findings

The data analysis of this study produced the following findings:

1. Reasons for operating home schools: Respondents rated 12 possible reasons. The following proved to be the most relevant in the respondents' decision to operate their own

Page 4

schools (listed in order of their importance):

- a) Concern for the moral health and character development of their children
- b) Prevalence of excess rivalry and ridicule in conventional schools
- c) Concern over poor quality of education in public schools
- d) Desire to enjoy the children at home in their early years

2. General nature of home schools: Summary statements below show participants' responses concerning typical home school characteristics:

- a) A family enterprise operated for the most part by both parents; small in size — average of two children
- b) Most prevalent in small towns and rural areas
- c) Informal, child-centered, relatively flexible in program
- d) Does not, for the most part, utilize standardized tests; test scores reported show above-average ratings
- e) Convenes for an average of 3.7 hours per day, ranging from one to nine hours
- f) Has been in operation for more than two years

3. Essential elements for success in home schools: These findings show the five essential elements of success as reported by the respondents. (Factors listed in order of their importance):

- a) Parental love for children
- b) Strong determination to succeed
- c) A joint (family) enterprise
- d) Inspiration from others interested in or involved with home school operations
- e) Parental capability to afford additional expenses

4. Psychographic characteristics of home schools: These items covered major activities, interest and opinions. The following list summarizes the major characteristics of respondents in each of three areas:

Activities—Home school operators are, for the most part
a) regular church attenders and average socializers
b) occasional travelers.

Opinions—Parents who operate home schools for the most part think

- a) there is too much violence in public schools.
- b) their children are better prepared for life than children who attend conventional schools.

c) their children are better behaved than other children.

Attitudes—The major attitudes of respondents are that

- a) their political views are conservative, but opposed to excessive government involvement in education.
- B) they are religiously inclined.

c) parenting tends to take priority over social involvement.

5. Demographic characteristics of home schools: Data from these items indicate the following respondent characteristics:

- a) Most of them live in rural areas or small towns.
- b) They come from diverse religious backgrounds, some of which are non-traditional
- c) They have small households — a typical family being composed of two adults and two children.
- d) Typical profession of females (women run most of the schools) is the mother/housewife/homemaker.
- e) Males are, for the most part, professionals or skilled workers.
- f) Parents typically have between one and three years of college.
- g) Median income of these households ranges between \$15,000 and \$20,000.

Conclusions and Recommendations

These parent profiles identify a segment of the U.S. population likely to initiate and operate home schools. They

(Continued on next page)

(Continued from page 4)

tend to be individualistic, law-abiding, concerned about their parent role, dissatisfied with available options in contemporary

Parents contemplating the establishment of a home school should make a thorough survey of existing resources and information before beginning their home school. Teacher training institutions, both public and private, could make

WITNESS STATEMENT

NAME Douglas B Kelley BILL No. 49
ADDRESS 1330 LeGarde Helena, MT DATE 1/10/83
WHOM DO YOU REPRESENT Self ~~As legal agent~~
SUPPORT Yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Faye Kaufman BILL No. 49
ADDRESS 1330 Ave F Billings, MT DATE Jan 10, 1983
WHOM DO YOU REPRESENT myself & family
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I totally support house bill #49. I feel this is a constitutional issue that is backed by the 1st, 9th & 14th amendments, as has been proven through the courts. As a parent and Christian we have been commanded to raise & teach our children. We had our children because we wanted them, we at that point took on the responsibility of raising and nurturing them. I feel it is very wrong to force parents to turn over their children and their responsibility to the state when they desire and are fully capable of this task. And I feel that HB #49 would allow for this.

WITNESS STATEMENT

NAME Sharon Tusken BILL No. 79

ADDRESS P.O. Box 689 Delgrade, MT DATE 1-10-83

WHOM DO YOU REPRESENT _____

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Glennadine Jernell BILL No. 49
ADDRESS Courthouse, Polson DATE 1-10-83
WHOM DO YOU REPRESENT Self and my office as Co. Supt.
SUPPORT ☐ OPPOSE ☒ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Comments:

I object to a parent teaching
own children at home if they
are not enrolled in their
resident school district which
will ~~supervise~~ ^{supervise} any home-study
program whether it be an
approved correspondence study
such as Calvert or whatever.

The state of Montana is responsible for more than just the 3 Rs of a child's education.

WITNESS STATEMENT

NAME Kris J. Carey BILL No. 49
ADDRESS 35 Hitching Post Sq. W. DATE 1-10-83
WHOM DO YOU REPRESENT myself
SUPPORT ✓ ^{district} of transport. _{clause.} OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I would like to keep my constitutional freedom and right to provide the kind of education that, based on documented research, I feel most beneficial for our (my) children.

I beg you to avoid the serious pitfall of restricting the right of the majority ~~to~~ to responsibly home-school their children by legislating laws to protect the 1% minority who may abuse the home school privilege.

WITNESS STATEMENT

NAME MARY BROWN BILL No. 49
ADDRESS 1530 Peosta DATE 1/10/83
WHOM DO YOU REPRESENT Myself
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am for this Bill because it works in educating children and teenagers. We are in an era where the values both moral & social which I believe in are being abused and neglected. The many sound ~~values~~ ^{values} that are being disregarded. The importance of reading, writing and arithmetic are essential. My sister has taught 2 of her children in her own home school. They are received a good education. Each one is socially well adjusted. It works! And the freedom to choose should be ours.

WITNESS STATEMENT

NAME Therese L. Doessner BILL No. 49
ADDRESS Rt. #1 Brandon, Md. DATE 1-10-83
WHOM DO YOU REPRESENT self
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As a former certified teacher with
8 yrs. of experience in the Mont. Public
School, I ^(we) plan to teach our child
(children) at home because the public
education system is not consistent
with what ^{my} ~~our~~ Christian ethics demand
we impart to our child (children).

WITNESS STATEMENT

NAME Leonard Resner BILL No. 99

ADDRESS 2475 Broadview St. Boston DATE Jan 87

WHOM DO YOU REPRESENT unemployed citizen

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am here in support of House Bill #99

Our country was founded as free land,
we must guard this freedom as it is our right
the most precious possession of this free land
was given to us by our fathers and
achievement that makes a free man as
the Lincoln and John Quincy Adams.
Loss of the freedom of "Home School" is one
more step down the road toward Totalitarianism.

Leonard Resner

WITNESS STATEMENT

NAME Pastor Justin L. Fulton & Pastor Blain Daugherty BILL No. 49
ADDRESS P.O. Box 506 DATE 1/10/83
WHOM DO YOU REPRESENT Darby Baptist Temple
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

REPRESENT BIBLICAL AUTHORITY GOD HAS GIVEN PARENTS
REASONS ABOUND FOR RIGHT & WRONG DAN. 3:28

I. PRINCIPLE MUST DICTATE OUR DECISION

GOD INSTITUTED GOVERNMENT - 1) TERROR TO EVIL & PROTECTOR
OF GOOD - TO PRESERVE LIFE (Rom. 13) 2) ACTS 22:24-29
LAW TO PROTECT CITIZENS FROM OVER-ZEALOUS OFFICIALS

II. THE RESPONSIBILITY OF EDUCATION TO PARENTS DEUT. 6:7
IN EVERY AREA OF LIFE. FATHER'S ESP. PROV. 30 chapters
(NAPT. TO FATHER'S, TO SON)

1. OF A PROPHET

1 OF A MOTHER TO SON

N.T. EPH. 6:4 " YE FATHERS, PROVOKE NOT YOUR CHILDREN
TO WRATH, BUT BRING THEM UP IN THE NURTURE
AND ADMONITION OF THE LORD
Government responsible to protect this responsibility.

CANNOT BE DONE BY EDUCATORS TRAINED IN
HUMANISM.

THE BIGGEST PROBLEM FACING EDUCATORS IS LACK OF
PARENTAL CONCERN & PARTICIPATION

WITNESS STATEMENT

NAME William J Johnson BILL No. 64
ADDRESS STAR Route Boulder Mont. DATE 01/10/83
WHOM DO YOU REPRESENT Independent
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am a concerned parent from the Boulder district with a desire to see my child educated in a religious environment. My wife & I are Seventh Day Adventist Christians with no Denominational school available. We do not want our children in public schools neither do we care to move. Education at home is a wonderful alternative.

William J Johnson

WITNESS STATEMENT

NAME Russell L. Johnson BILL No. 49
ADDRESS 127 Humbolt Loop DATE 1-10-83
WHOM DO YOU REPRESENT Seventh-day Adventist Church
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. state has the responsibility to see that its citizens are educated
2. In view of the fact that the Good Book tells Parents that they are responsible for instructing of their children
3. Parents must therefore determine which school their children attend:
 - A. State Sponsored + Aided School
 - B. Private or church school
 - C. Home school
4. In the U.S. rights of conscience are guaranteed
5. We must continue to guarantee their rights
6. Thus the proposal is a good one.

WITNESS STATEMENT

NAME Ward L. Sutton & Susan Jones BILL No. 49
ADDRESS Brookview, Macon, Ga DATE 1-10-83
WHOM DO YOU REPRESENT Independent
SUPPORT Yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Question copy is available.

WITNESS STATEMENT

NAME G. R. Wilson BILL No. 49
ADDRESS Claremont DATE _____
WHOM DO YOU REPRESENT Independent
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Am leaving a prepared statement:
Concerned with protecting rights of diversity of opinion
and practice.

WITNESS STATEMENT

NAME Chris Mc Bee BILL No. 49
ADDRESS 302-D So 16th DATE 1/10/83
WHOM DO YOU REPRESENT Independent
SUPPORT Yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- 1) Home schooling is the most rapidly growing educational alternative.
- 2) Our courts are upholding the basic constitutional right of the parents to control their child's education.
- 3) There is growing dissatisfaction with the public school system.
 - a) Declining overall academic achievement.
 - b) Growing use and availability of drugs.
 - c) Growing philosophical animosity to the Judeo-Christian ethic.
- 4) Enabling act of Montana - "Perfect Toleration of religious sentiment."
- 5) Montana Constitution Art. II sect. 5
- 6) Montana Constitution Art. ~~X~~ sect. 1
- 7) State can not demonstrate compelling need to continue to restrict the religious and basic rights of the citizen.

WITNESS STATEMENT

NAME DUBBIE HERSTEN BILL No. 49
ADDRESS Box 1068, BELGRADE MT DATE 1-10-83
WHOM DO YOU REPRESENT _____
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Elton Lee (Elton Lee) BILL NO. 49
ADDRESS Box 21A Laramie, WY. DATE 1/10/83
WHOM DO YOU REPRESENT Independent
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support home schools on the grounds of personal freedoms. I see ~~not~~ ^{any} infringement by the state against home schools as a violation of our freedom to determine our own lives and the lives of our children.

WITNESS STATEMENT

NAME Judith A. Burkhardt-Meyer BILL No. 49 and 25
ADDRESS Helena (161 Wedgewood) DATE 1/10/83
WHOM DO YOU REPRESENT Mt. Assoc. of School Psychologists
SUPPORT #25 w/amends OPPOSE #49 AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB25: NASP personnel, often involved in out-of-district placements, would find it extremely helpful to have a single agency regulating out-of-district placements. However, we feel amendments are needed to:

- include:
- a) fiscal note to fund such placements via SRS. Recommend 1 million dollars.
 - b) Inclusion of secondary level students and delinquent youth (Youth In Need of Supervision) in such a proposal.

HB49: NASP opposes any attempt ^{to} expand exceptions to compulsory school attendance, ~~which~~ ^{so that} curriculum, and academic progress can be monitored as well! as documentation that children are indeed receiving instruction as guaranteed by the U.S. constitution. Even with attempts at regulation via the Board of Public Ed., litigation would greatly increase and such would greatly ~~increase~~ ^{increase} state education costs, per child. Parents may educate their children outside of school ^{hours} and have ample opportunity for involvement in public ed. The option of private schools is also available and far easier to monitor than home study programs.

January 9, 1983

Education Committee
Montana State Legislature
Helena, Montana

Dear Sirs:

The right to teach my own children in my home is a very precious right which I believe has already been granted to me in the First, Ninth, and Fourteenth Amendments to the U.S. Constitution. I support home schools not because I feel there is anything academically wrong with public schools, but because God has commanded me to raise my children in a Christian manner. To send my children out of my home for 6½ to 8½ hours per day to be influenced by teachers who do not have the same morals, values, religious and political beliefs as my husband and I, does not allow us to obey God's command.

"The U.S. Supreme Court has also held, first in *Pierce v. Society of Sisters*, and later in *Farrington v. Tokushige*, that while the state may demand that all children be educated, it may not demand that they be educated in the same way, and that, on the contrary, parents have a constitutionally protected right to get for their children an education which is in accord with their own principles and beliefs.... Subsequent decisions in state courts, in Illinois, New Jersey, Massachusetts, and Iowa, among others, have held that this right of parents to control the education of their children includes the right to teach them themselves.... A Massachusetts superior court held recently that the right of parents to teach their own children is located not just in the First and Fourteenth, but also the Ninth Amendment to the Constitution.¹

The state courts are ruling increasingly for parents and their right to educate their children as they see fit. Actually, the state of Montana would have more control over the progress of the child educated at home when compared to a child in school. Currently, the school is not held responsible for a child's lack of progress. However, parents are usually required to show their child is making satisfactory progress or the child must return to school. We would

¹John Holt, Teach Your Own (New York: Dell Publishing Co., Inc., 1981), pp. 315-316.

gladly cooperate with our local school district if we were allowed to teach our children with a Christian curriculum chosen and administered by us.

I am not sure why schools and educators feel so threatened by home schools. I suspect it is mainly because they will lose state funding and perhaps some jobs if people teach their children at home. However, this need not happen. I would be willing to enroll my child in a public school and be supervised by a certified teacher if I could teach at home using a Christian curriculum. I currently have my oldest son enrolled in a Catholic private school although we are not Catholic. His tuition is a drain on our budget since my husband lost his job. However, we are willing to incur this debt because we are determined to give our son a Christian education. My son will not be returned to a public school unless I can teach him at home in cooperation with the public school.

There are many benefits for children in home schools. One is the low teacher-pupil ratio. Another is the individualization of instruction. A major benefit is the closeness the family develops as they live, learn, and work together.

I sincerely hope that the legislature will draft responsible legislation allowing home schools and not attempt to take away rights already guaranteed to us in the First, Ninth, and Fourteenth Amendments to the U.S. Constitution. With the courts already overcrowded, it makes no sense to pass laws that deny our Constitutional rights and will be challenged in the courts. We must also not deny a child his right to a Christian education simply because he does not live in a town big enough to support a Christian private school. Over 32 states allow home instruction. I pray that Montana will soon join that majority.

Sincerely yours,

Sylvia Schlieper
 Sylvia Schlieper
 654 Aronson Ave.
 Billings, MT
 59105



ANOTHER BULLETIN FROM HEWITT RESEARCH. . .HOME-GROWN KIDS, A Synopsis
Hewitt Research Foundation, Berrien Springs, MI 49103 616/471-2211

For more than 40 years some of us have been concerned that most children are being surrendered by homes to institutional life before they are ready--with serious implications for the children, the family, society, nation and world. In the late 1960's following a stint at the U.S. Office of Education, we became convinced that our children were victims of dangerous trends toward "early schooling for all". We had reasons to be skeptical of claims of schools for early academic achievement and socialization simply because young children learned so fast. Although challenging conventional wisdom and practice was not at first a pleasant task, colleagues around the world have more and more given support to our research, many reversing historic positions to do so. This is a synopsis of our books (the last: HOME GROWN KIDS, Word, Waco TX, 1981), and chapters in more than 30 college textbooks in various languages. By giving our schools "green grain" for their mills, we make their task impossible.

Our conclusions are actually quite old-fashioned. They seem new to some because they differ largely from, and often challenge, conventional practice. Our early childhood research grew out of experiences in the classroom with children who were misbehaving or not learning because they were not ready for the sanctions of formal schooling. We set out to determine the best ages for school entrance, concerned first with academic achievement. Yet more important has been the socialization of young children--which also address senses, coordination, brain development, reason, and social-emotional aspects of child development. These conclusions come from our Stanford, University of Colorado Medical School and Michigan State and Hewitt investigative teams who did basic research and analyzed more than 7,000 early childhood studies. We offer briefly here our conclusions which we would like to have you check against any sound research that you know:

Readiness for Learning. Despite early excitement for school, most early entrants (ages 4, 5, 6, etc.) are tired of school before they are out of the third or fourth grades--at about the ages and levels we found that they should be starting. Psychologist David Elkind calls these pressured youngsters "burned out." They would have been far better off wherever possible waiting until ages 8 to 10 to start formal studies (at home or school) in the second, third, fourth or fifth grade. They would then quickly pass early entrants in learning, behavior and sociability. Their vision, hearing and other senses are not ready for continuing formal programs of learning until at least age 8 or 9. When earlier care is absolutely necessary, it should be informal, warm and responsive like a good home, with a low adult-to-child ratio.

The eyes of most children are permanently damaged before age 12. Neither the maturity of their delicate central nervous systems nor the "balancing" of the hemispheres of their brains, nor yet the insulation of their nerve pathways provide a basis for thoughtful learning before 8 or 9. The integration of these maturity levels (IML) comes for most between 8 and 10.

This coincided with the well-established findings of Jean Piaget and others that children cannot handle cause-and-effect reasoning in any consistent way before late 7's to middle 11's. And the bright child is no exception. So the 5's and 6's are subjected to dull Dick and Jane rote learning which tires, frustrates and ruins motivation, requires little thought, stimulates few "hows" and "whys." Net results: frequent learning failure, delinquency. For example, little boys trail little girls

about a year in maturity, yet are under the same school entrance laws. HEW figures show that boys are 3 to 1 more often learning disabled, 3 to 1 delinquent and 4 to 1 acutely hyperactive. So unknowing teachers far more often tag little boys as "naughty" or "dumb." And the labels frequently follow them through school.

Socialization. We later became convinced that little children are not only better taught at home than at school, but also better socialized by parental example and sharing than by other little children. This idea was fed by many researchers. Among the more prominent were (1) Cornell's Urie Bronfenbrenner who found that up to the sixth grade at least, children who spend less of their elective time with their parents than their peers tend to become peer-dependent; and (2) Stanford's Albert Bandura who noted that this tendency has in recent years moved down to preschool levels--which should be avoided whenever good parenting is possible. Contrary to common beliefs, little children are not best socialized by other kids. We found that socialization is not neutral. It tends to be either positive or negative:

(1) Positive or altruistic and principled sociability is firmly linked with the family--with the quantity and quality of self-worth. This is in turn dependent largely on the track of values and experience provided by the family ~~at least until the child can reason consistently.~~ In other words the child who works and eats and plays and has his rest and is read to daily, more with his parents than with his peers, senses that he is part of the family corporation--needed, wanted, depended upon. He is the one who has a sense of self-worth. And when he does enter school, ~~preferably not before 8 to 10,~~ he usually becomes a social leader. He knows where he is going, is self-directed and independent in values and skills. He largely avoids the dismal pitfalls and social cancer of peer dependency. He is the productive citizen our nation badly needs.

(2) Negative, me-first, sociability is born from more peer group association and fewer meaningful parental contacts and responsibility experiences in the home during the first 8 to 12 years. The early peer influence generally brings an indifference to family values which defy parent correction. The child does not yet consistently understand the "why" of parental demands when his peers replace his parents as his models because he is with them more. So he does what comes naturally: He adapts to the ways of his agemates because "everybody's doing it," and gives parent values the back of his little hand. And . . . he has few sound values to pass on to the next generation.

So home, wherever possible, is by far the best nest until at least 8 to 10. Where there is any reasonable doubt about the influence of schools on our children (morality, ridicule, rivalry, denial of religious values, etc.) home schools are usually a highly desirable alternative. ~~Some 34 states permit them by law under various conditions. Other states permit them through court decisions. Home schools nearly always excel regular schools in achievement.) Although most of them don't know it, parents are the best teachers for most children at least through ages 10 or 12. For further information write us at 553 Tudor Road, Berrien Springs, Michigan, 49103, or for legal problems. Send self-addressed stamped envelope!~~

If we are to believe sociologists Frederick Le Play, J.D. Unwin or Carle Zimmerman, we must spend more time with our children in the home, lest our society like Greece and Rome, is lost. The conditions are now identical to theirs. Let's have more loving firmness, less indulgence; more work with you, fewer toys; more service for others--the old, poor, infirm--and less sports and amusements; more self-control, patriotism, productiveness and responsibility--which lead to, and follow, self-worth as children of God. Parents and home, undiluted, usually do this best. Home Spun Schools (Word, Oct. 1982) will tell how others did it.

--Raymond Moore

STANDING COMMITTEE REPORT

January 14

83

..... 19

SPEAKER:

MR.

EDUCATION AND CULTURAL RESOURCES

We, your committee on

having had under consideration **HOUSE** Bill No. **30**

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE REQUIREMENT
THAT A SCHOOL TEACHER OR SPECIALIST MUST SUBSCRIBE TO AN OATH
AS A QUALIFICATION FOR CERTIFICATION; AMENDING SECTIONS 20-4-104
AND 20-4-201, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **30**

be amended as follows:

1. Title.

Following: line 6

Insert: "TO REPEAL THE REQUIREMENT THAT EVERY PROFESSOR,
INSTRUCTOR, OR TEACHER EMPLOYED BY ANY UNIT OF THE UNIVERSITY
SYSTEM SHALL SUBSCRIBE TO AN OATH BEFORE ENTERING EMPLOYMENT;"

2. Title, line 7.

Following: "MCA"

Insert: ";AND REPEALING SECTION 20-25-106, MCA; is

3. Page 4.

Following: line 4.

Insert: "Section 3. Repealer. Section 20-25-106, MCA, is
repealed."

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 14, 1983

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Speaker

MR.

Education

We, your committee on

House

49

having had under consideration Bill No.

First

white

reading copy (.....)
Color

AN ACT TO EXPAND THE EXCEPTION TO COMPULSORY SCHOOL ATTENDANCE FOR
CHILDREN PROVIDED WITH SUPERVISED CORRESPONDENCE OR HOME STUDY BY
REMOVING THE TRANSPORTATION REQUIREMENT; AMENDING SECTION 20-5-102,
MCA.

House

49

Respectfully report as follows: That Bill No.
be amended as follows:

1. Title, line 5 to line 7.

Following: "ATTENDANCE"

Strike: remainder of line 5 through "REQUIREMENT" on line 7.

Insert: "TO INCLUDE CHILDREN ENROLLED IN A HOME SCHOOL; TO
PROVIDE THAT A CHILD IN A HOME SCHOOL BE PROVIDED WITH A
PROGRAM APPROVED BY THE BOARD OF PUBLIC EDUCATION OR BE TESTED
ANNUALLY TO DETERMINE WHETHER CERTAIN STANDARDS OF ACHIEVEMENT
ARE MET"

2. Page 2, line 9.

Following: "title"

Insert: "under the transportation provisions of this title"

DGPASXX

(Continued)

February 14, 1983

HOUSE BILL 49

3. Page 2, line 10.

Following: line 9

Insert: "(d) enrolled in a home school that:

(i) provides a program approved by the board of public education; or

(ii) allows testing of the child each year, by means of a nationally recognized test, such as the Iowa test of basic skills, standford achievement test, California achievement test, or the science research associates test, selected by the board of public education and administered by a designee of the county superintendent, to determine whether the child at least meets the 40th percentile level in the test categories of vocabulary, reading, mathematics, language arts, science, and social studies, as achieved by students of the same age within the region"

Renumber: subsequent subsections

4. Page 3, line 6.

Following: line 5

Insert: "New Section. Section 2. Effective date. This act is effective on passage and approval."

AND AS AMENDED
DO NOT PASS