

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 4, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 4, 1983, at 1:00 p.m. in Room 325, State Capitol.

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

SENATE BILL 331: Senator Keating, District 32, sponsor of the bill, stated the bill is not a home school bill, it only addresses private, parochial, and religious schools. He stated the only change the bill makes is deleting "institution" and inserting "parochial or church school" and describes an organized course of study that includes mathematics, science, social studies, and language arts, including reading and writing. He stated the bill mainly addresses the course of study in private schools and will allow children to be exempted from public school by attending a private school that includes the previously mentioned subjects in its curriculum. He further stated the bill gives the schools a little more latitude in choice of subjects as well as those subjects the Board of Public Education asks for. He stated parents know what is best for their children and have the right to make the choice of the school their children will attend.

PROPOSERS

Doug Kelley, representing the Montana Association of Church Schools and Grace Gospel, Helena, stated he believes God created three things: family, church, and civil authority with Jesus Christ Lord over all three. He asked the committee to keep all three free noting the issue is one of control. He stated if it is legal to compel all children to be educated then it is also legal to have an educational alternative. Before recodification, private schools stood shoulder to shoulder with the public schools but following recodification that was all changed. He noted a legitimate religious education in a private school is a freedom guaranteed by the Constitution. He stated, however, the compulsory attendance law is hazy and muddy and does need to be clarified. He noted the truancy law remains unchanged and is not being challenged. He urged support of the bill.

James Moore, representing New Covenant Christian School, Kalispell, stated certainly we all love our children and want them to be well educated. He stated christian schools are

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and public schools still have room for improvement. He pointed out Christian schools and home schools are two separate entities. He also felt the question is ultimately one of control. He sees the issue is really one of whether regulation is really needed at all at this time.

Pastor Joy Paul Schwenke, Bible Baptist Church, Sidney, presented his testimony in support of the bill (attached exhibit #1).

Yvette Worth, Grace Gospel Academy, Helena, a ventriloquist, introduced her friend Corky. They had a discussion about religious freedom, pointing out the Colonists came to America to escape religious prosecution. Yvette noted Jesus Christ is Lord over all and Corky pointed out Yvette was to him, in her own way, comparable to the Lord, because only with her hand on him did he live and without her he would fall to the floor. The Chairman allowed applause following this delightful and thoughtful presentation.

Charles E. Wissenbach, Principal, Parents High, Hamilton, stated his support for the bill (exhibit #2).

Hidde Van Duym, Executive Director, Board of Public Education, spoke in support of the bill with some reservations (exhibit #3) and presented the committee with a copy of "Constitutional Protection of Christian Schools" by William Bentley Ball (exhibit #4).

Roger Koopman, representing the Christian Education Association of Montana, presented his testimony in support of the bill (exhibit #5).

Mike Proffitt, representing the Cross Currents Christian School, Whitefish, presented his testimony in support of the bill (exhibit #6).

Time having expired for proponents, Senator Brown asked further proponents to introduce themselves and leave their testimony, if any, with the Secretary. Those proponents were James Mapledoram, Missoula, (exhibit #6); Mrs. Ronald Hale, Laurel, (exhibit #7); Pastor Donald P. Kelley, Grace Gospel Church, Joplin, (exhibit #8); Chip Erdmann, Montana School Boards Association, (exhibit #9); Rose Mary Rodgers, Helena, (exhibit #10); Rev. A. L. Millenberger,

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Butte; Gary Ray Miller, Butte; Dallas Doyle, Butte; Louis Allred, Pine's Academy, Pinesdale (exhibit #11); William Whorton, Missoula, (exhibit #12); Nola Rogers, Laurel; Kristi Lauvier, Park City; Marlene Wells, Park City; Robin Stewart, Laurel; Avonne Johnson, Billings; Joyce Joki, Laurel; Mrs. Evalene Bare, Laurel; Dwight Bare, Laurel; Walter Lacy, Laurel; Mrs. Jerry Spicher, Shepherd; Russell Lergis, Laurel; Bev Doherty, Laurel; Curtis Doherty, Laurel; Ronald Hale, Laurel; Nick Fuller, Miles City, (exhibit #13); Ron Kautzman, Butte (exhibit #14); Lee Barrows, Great Falls, (exhibit #15); Mr. and Mrs. Patrick Aliperto, Great Falls, (exhibit #16); Kenneth Wise, Miltown; Pastor Russell Johnson, Seventh Day Adventist Church (exhibit #17), Namoni Powell, Corvallis, (exhibit #18); Earl D. Hargis, Florence, (exhibit #19); Michael A. McGovern, Missoula, (exhibit #20); Steve Valentine, Missoula, (exhibit #21); John Fried, Great Falls, (exhibit #22); Mrs. Mary Doubek, Helena, (exhibit #23); Virgil D. McNeil, Americans for Action, (exhibit #24); Erik C. Berg, Darby, (exhibit #25); Sharon Sutton, Broadview, (exhibit #26); Mrs. Roxanne Sporleder, Valier (exhibit #27, Linda Holden, Valier, (exhibit #28); Justin L. Fulton, Darby, (exhibit #29); Libby Levitt, Kalispell, (exhibit #30); Mrs. Virginia Baker, Fairfield, (exhibit #31); and Tom Mahugh, Kalispell, (exhibit #32).

OPPONENTS

Rod Svee, Assistant Superintendent of Public Instruction, presented his testimony in opposition to the bill to the committee (exhibit #33).

Richard Trerise, Lewis and Clark County Superintendent of Schools, and representing the Montana Association of County Superintendents, spoke in opposition to the bill. He said the state must determine the proper education for all children of the state without infringing on religious beliefs. He said there is no recourse to inadequate education in this bill and an enforcement policy must be formulated. He urged the committee to delay action until all the bills could be considered together (SB 253, SB 331, and SB 635).

Chip Erdmann, representing the Montana School Boards Association, spoke to the bill saying the Association supports the bill but only with amendments and therefore rose to testify on both sides of the matter (exhibit #9).

Larry Stollfuss, Fort Benton, presented his testimony in opposition to the bill to the committee (exhibit #34).

There being no further opponents, Senator Keating closed. He noted that under the Constitution equality of educational opportunity is guaranteed to each person of the state.

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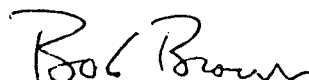
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He said if the state prescribes a single form of controlled education for every type of school it precludes the parents choice and freedom of education the parents want.

ADJOURN

There being no further business, the meeting adjourned at 2:59 p.m.



Senator Bob Brown, Chairman

jdr

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
EW Fabrian	Grace Gospel Academy	331	X	
Dorothy D. Fabrian	Grace Gospel Academy	331	X	
Lynette Bigler	Grace Gospel Academy	331	X	
Martha Bigler	Grace Gospel Academy	331	X	
Janet Demers	Grace Gospel Academy	331	X	
Paul Schoonover	Grace Gospel Academy	331	X	
Bernadette A. Fredrick	Grace Gospel Academy	331	X	
Sarah Demers	Grace Gospel Academy	331	X	
Kelly Jones	"	"	✓	
Wynne Brynda	"	"	✓	
Karen Schomauer	"	"	✓	
Kevin Dorne	"	"	✓	
Cissy Demers	"	"	✓	
Janet Demers	Grace Gospel Academy	331	X	
Travis Tyce	"	331	X	
Tyler Tyce	"	331	X	
Janet Demers	"	331	✓	
Debra McCarrie	"	331	✓	
Martin W. Gemmer	"	331	✓	
Kerion Erickson	Grace Gospel Acc.	331	✓	
Wanda Poelman	"	331	✓	
Kristin Erickson	Grace Gospel Acc.	331	✓	
Brenda L. Smith	Grace Gospel Church	331	✓	
Betti Christie	OPI	331	✓	
Chris McBeck	Taxpayer Education Assoc.	331	✓	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Dean Erickson	Bille Baptist School Mehs.	331	✓	
Kent Allen	" " " "	331	✓	
Brad Erickson	" " " "	331	✓	
Chad A. Alessi	" " " "	331	✓	
Charlie Tilly	" " " "	331	✓	
Jason Lee	" " " "	331	✓	
Jimmy Sniec	East Fallsquare	331	✓	
Wendy Shores (D)	"	331	✓	
Spilke Church	"	331	✓	
Stephanie Smith	"	331	✓	
Kristel Kautzman	Summit Valley	331	✓	
Dharon Bell	Summit Valley	331	✓	
Beverly Adams	Summit Valley	331	✓	
Michelle Dunbar	Florence Christian	331	✓	
Eric Marchon	"	331	✓	
Duane Zailer	"	331	✓	
Scott Greenup	"	331	✓	
Tom Mays	"	331	✓	
Jeri Rose	"	331	✓	
Mike Ward	"	331	✓	
Shane Greenup	"	331	✓	
Lori Martin	"	331	X	
Debbie Weiler	"	331	X	
Debbie Rickett	"	331	X	
Michael Oster	"	331	X	
Susanne Johnson	"	331	X	

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mrs R. E. Kruevel	Summit Valley Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sven-Erik Berg	Darby Baptist Temple	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Peder Berg	Darby Baptist Temple	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wilhemina S. Berg (Mrs. Erik C.)	Darby Baptist Temple	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marilyn W. Fulton	Darby Baptist Temple	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Austin Fulton	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cameron Fulton	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charity Fulton	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karis Fulton	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christian Berg	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karen Bouma	Teton Christian	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David C.R. Mosher	Nazarene Christian Acad.	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LeCreecia Mosher	Nazarene Christian Acad	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs David W. Mosher	Nazarene Christian Ac	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Susan M. Bisse II	" " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judith I. Kelly	Heritage Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Richard Jones	Treasure State Academy	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs. Richard Jones	" " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tifana N. Jones	" " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alethea R. Jones	" " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Janet Fuller	Baptist Tabernacle Academy	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Heidi Roedel	Bible Baptist School ^{Mala}	331	✓	
Amy Wingo	" " "	331	✓	
Kendy Allen	Bible Baptist School	331	✓	
Ndy DORTON	" " "	331	✓	
Carol Dilly	Bible Baptist School	331	✓	
Jason Wingo	Bible Baptist	331	✓	
Thomas Dippel	Bible Baptist school	331	✓	
Joe Maximin	East Hill	331#	✓	
Tom Fyquest	Florence Mt ^{Florence Christian Academy}	331	✓	
Paul Bally	Florence Christian Academy	331	✓	
Denise Weier	Florence Christian Academy	331	✓	
Bonnie Pease	Florence Christian	331	✓	
Lyle Wilkinson	Florence Christian	331	✓	
Laura McRade	" "	"	✓	
Richard Ford	" "	331	✓	
Dalman Willes	" "	"	✓	X
Helen Ford	" "	"	✓	

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Margaret Wirtz	Summit Valley Christian ^{school}	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kristen K. Wagar	Nazarene Christian Academy	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donnette Irwin	Nazarene Christian	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mat Baker	New Covenant Baptist Church	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Thomas S. Arnold	" " " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Lynette Arnold	" " " "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wendy Holmquist	Nazarene Christian Academy	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gill Ironson	Nazarene Christian Academy	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Kathy Follingb	YUCS Laurel	331	✓	
Kevin Follingb	" "			
Tom Follingb	" "		✓	
Cheryl Bolton		331	✓	
Ed Nertypeter	Bremon Christian Del	331	✓	
Mike Wilhelm	" " "	331	✓	
Bob Davis	" " "	331	✓	
Anna E Jack	" " "	331	✓	
Steve Lynn	Grace Gospel Academy ^{Helena}	331	✓	
Patsy Erickson	Bible Baptist ^{Missoula}	331	✓	
George Gibbons	"	331	✓	
Mike Compart	"	11	✓	
Brian Erickson	"	"	✓	
Donald Vander Ven	"	11	✓	
T.J. Bissell	Kalispell Nazarene	11	✓	
Tammara R Floyd	Kalispell Nazarene	11	✓	
ie. J. Kaufman	Kalispell Nazarene	331	✓	
Sean Vann	Kalispell New Covenant	331	✓	
Hilda Kertus	Kalispell New Covenant	331	✓	
Sally Pruitt	911 6th Av. Apt 4 Helena	331	✓	
Echo Pruitt	911 6th Av. Apt 4 Helena	331	✓	
Jasper Pruitt	911 6th Av. Apt 4 Helena	331	✓	
Thomas Brenden		331		✓
STEVE White		331	X	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jeff Miller	Castellena Four Square	331	✓	
Janella Cooley	"	"	✓	
Davisson	" "	331	✓	
Kim Masonholder	East Helena Four Square	331	✓	
Dee Harrington	East Helena Four Square	331	✓	
Jonathan Curtis	New Covenant - Kalispell	331	✓	
Pauline Lawless	" " "	331	✓	
Margie Moore	" " "	331	✓	
Christine Curtis	" " "	331	✓	
Luni Nelson	" " "	331	✓	
Debbi White		331		
Mrs. Martin Percu	Fluence Montana	331	✓	
Ana Bender	Geody Mt.	331		✓
Doug Hershong	KALISPELL New Covenant	331	✓	
Bret Hershong	Kalispell / New Covenant	331	✓	
Melody Chandler	Kalispell - Nazarene	331	✓	
Kristie Jamborelli	Kalispell - Nazarene	331	✓	
Craig Harris	Fluence - Saints			
Randy Givell				
Pat Robertson	Kalispell - Nazarene	331	✓	
Alan Burger	Bozeman			✓
Gloria Knapstad	Great Falls	331	✓	
Nathan Adler	Great Falls	331	✓	
Mark Howell	Great Falls	331	✓	
Diana Marie McDev	Great Falls	331	✓	

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COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jeanne LaMetteray	Grace Gospel Academy	331	✓	
Denise LaMetteray	"	"	✗	
Cynthia Hume	"	331	✓	
Lian LaMetteray	"	331	✓	
Bob Bugler	"	331	✓	
Angela Sherron	"	331	✓	
Dusty Sherron	"	331	✓	
Rochelle Sherron	"	331	✓	
Pastor Dech Chromy	Mount Lowell Baptist Church	331	✓	
Jan Chromy	"	331	✓	
Heidi Chromy	"	331	✓	
Heather Chromy	"	331	✓	
Steven Chromy	"	331	✓	
Greg Chromy	"	331	✓	
Janette Handelin	East Helena Fourquare ch.	331	✓	
Renee Huyser	Home Schoolers Boyce	331	✓	
Johanna Huyser	" " "	331	✓	
Alexis Huyser	" " "	331	✓	
Bill Abraham	Summit Valley Butte	331	✓	

(Please leave prepared statement with Secretary)

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Steve Valentine	Missoula Community Chapel	331	X	
Lila Bauer	Bill Bauer			X
Sandi Grater	Sidney, MT.	331	X	
Pastor James C. Krahong	Cornerstone Christian Comm	331	X	
Mrs. Virginia Baker	self	331	X	
Mrs. Mary E. Doucek	Parents/Children/myself	68331	yes	
Mrs. Roxanne Sperleder	family	331	yes	
Sharon Sutton	Christian Liberty ^{Broadview} Academy	331	X	
Linda Haeden	family	331	X	
Arnie Magalona	family	331	X	
Richard A. J.	self	331	X	
John Fried	myself & Immanuel Christian Sch	331	X	
Couriel L. Lypen	self	331		X
Monty Perry	Montana Conf. of S.P.A.s	331	X	X
Bill Brickley	Full Gospel Church	331	✓	
Bud Bauer	Full Gospel Church	331	X	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Herald Clark	Emmanuel Bapt. Church	331	X	
Coryn Clark	" " "	331	X	
Lee Purdy	ASMSU	337		
Dan Tomlinson	Darby Baptist Temple	331	X	
Erik C. Berg	Darby Baptist Temple	331	X	
Justin L. Fulton	Darby Baptist Temple	331	X	
Joy Paul Schwank	MACS - Bill Baptist	331	X	
Mike Proffitt	CCC School	331	X	
Rod Sree	OPI	331		X
Janey Stoeber	Chouteau Co. Suppl of Sch.	333		X
Mike McQuerm	MISSOULA FOURSQUARE Church	331	X	
Victor R. ALLEN	E. Helena Foursquare Church	331	X	
Ken Wike	Missoula Foursquare	331	X	
Andy Mascholder	Helen Foursquare	331	X	
Ron Kautzman	Summit Valley Christian School (Bentley)	331	X	
Earl O. Hays	Florence Bible Church & Christian Acad.	331	X	
DONALD P. KELLEY	GRACE GOSPEL CHURCH	331	X	
LEE BARROWS	CORNERSTONE CHRISTIAN Center	331	XXX	
RICHARD DION	Treasure State Academy Gt. Falls - Int.	331	X	
Floyd J. McDowell	Great Falls,	331		
Emily Mapledoram	Missoula	331	X	
Kathleen Mapledoram	Missoula	331	X	
Janis R. Mapledoram	Missoula	331	X	
Chloe E. Minard	PO Box 563, Hamilton MT 59840	331	X	
John C. Boach	MEA	331	X with	modification
Chip EROMANN	M SBA	331	X	" "

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COMMITTEE ON

Education

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NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Amiel H. Spiech	First Jew Bupti St Church Great Falls	331	X	
Gay J. Kudell	Treasure State Academy	331	X	
Alton D. Powell	"	331	X	
Corey Hanson	Summit Valley	331	X	
Brent Hutzman	Summit Valley	331	X	
Dusty Kriewel	"	331	X	
Gandy Barrows	Cornerstone Christian Academy	331	X	
Uby Barrows	" " "	331	X	
Nancy Wayne	" " "	331	X	
Green Barrows	" " "	331	X	
Jean Hoffman	" " "	331	X	
Marsha Turner	Florence Christian Acad	331	X	
Glenda R. Haller	" " "	331	X	
Oris Sutherland	Conrad	331	X	
Fishing Sutherland	Conrad	331	X	
Cathy Kelley	Grace & Trust Church	331	X	
Heather - Merrin	"	331	X	
Dugan - Kelley	"	331	X	
JEN JEN	"	331	X	
Missy Groshong	New Covenant	331	X	
Mildred E. Groshong	New Covenant Christian School	331	X	
Tom Anderson	Big Sky Christian Academy	331	X	
Jeff Amstutz	" "	331	X	
Mark Christian	" "	331	X	
Steve Swales	" "	331	X	
Ken Anderson	" "	331	X	

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COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Irma Murphy	Laurel YUCS	331	X	
Blaine Miller	Laurel	331	X	
Prima Deines	Laurel	331	X	
Marlene Wells	Laurel	331	X	
Rebecka Renfro	Laurel	331	X	
Pat Murphy	Laurel	331	X	
Brenda Frank	Laurel	331	X	
Sarah Crable	Big Sky Christian	331	X	
Marilyn Shawver	Big Sky Christian	331	X	
Dina Giley	" "	" "	X	
Angie Riley	" "	" "	X	
Daniel Shauber	" "	" "	X	
Shirley Herrin	Grace Gospel Academy	331	X	
Jason Baertsch	Grace Gospel	331	X	
Jim Dziekonski	" "	" "	X	
Aubrey Dziekonski	" "	" "	X	
Elizabeth Johnson	" "	" "	X	
John Johnson	GFELs TSA	" "	X	
Johnson Johnson	" "	" "	X	
Cheryl	" "	" "		
Amity	" "	" "		
Justus	" "	" "		
Donnie Clark	Grace Gospel	" "	X	
Ben Buckley	Big Sky Christian Academy	331	X	
Barbara Hall	Christ's Church Helena	331	X	
Ron Corbo	Grace Gospel Academy	331	X	

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VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Arena Spear	Grace Gospel	331	X	
Paul Curtis	Grace Gospel	331	X	
Lonia Ryan	Grace Gospel	331	X	
Jennifer Ryan	Grace Gospel	331	X	
Barley Johnson	Grace Gospel	331	X	
Wendy Anderson	Grace Christian	331	X	
Debbie Netering	Grace Gospel	331	X	
Doug Hodges	Grace Christian	331	X	
Donald Bonstad	Grace Christian	331	X	
Spina L. Garza	Fairview Baptist	331	X	
William Helton	Fairview Baptist	331	X	
Charles Wells	Fairview Baptist	331	X	
May Lee	Fairview Baptist	331	X	
Chandra Gillen	Fairview Baptist	331	X	
Carol Dion	Fairview Baptist	331	X	
Ron Lindseth	Fairview Baptist	331	X	
Ginda A. Mason	Mela Community Chapel	331	✓	
Jean Sencowski	Mela Community Chapel	331	✓	
William Mason	Mela Comm Chapel	331	✓	
Corral Pruitt	Mela Comm Chapel	331	✓	
Charles Sencowski	Mela - Community Chapel	331	✓	
Jay Sencowski	M.C.C.	331	✓	
Scott Selvin	Mela Community Chapel School	331	✓	
Kevin Thelmer	Missoula Community Chapel	331	✓	
Naigang Schmaus	Grace Gospel / Helena	331	✓	

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VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Judy Reel	Summit Valley Christian School, Butte	331	✓	
Barb McGinnis	East Helena ^{School} Four Square Christian	331	✓	
Brandy Reel	Summit Valley Christian School	331	✓	
Tricia Vincent	" "	331	✓	
Miss McGinnis	East Helena Four Square Christian	331	✓	
Jan Beal	Summit Valley Christian Sch. ^{Butte}	331	✓	
John R. Beal	Summit Valley Christian Sch. Butte	331	✓	
Johnny Beal	Summit Valley Christian Sch. Butte	331	✓	
Floyd Frouse	Summit Valley S. School	331	✓	
SABEL FROUSE	SUMMIT VALLEY CHRISTIAN S.	331	✓	
Charlene Kautzman	Summit Valley Christian Sch.	331	✓	
Frank Jorgensen	Summit Valley Christ. Sch.	331	✓	
BECKY JORGENSEN	" " "	331	✓	
Pam Arnold	Summit Valley Christian	331	✓	
Beverly A Christians	Summit Valley	331	✓	
Daniel Christians	Summit Valley	331	✓	
Danny " "	" "	"	✓	
Joe Reel	" "	"	✓	
Jan Matney	Homeschooler Bozeman	"	✓	
Janey Hall	Homeschool - Bozeman	"	✓	
Rachel Zittlow	"	"	✓	
Cal C Zittlow	"	"	✓	
Erin Zittlow	"	"	✓	
Andrew Matney	"	"	✓	
ANNIEMATNEY	"	"	✓	
JAMIE KERSTON	"	"	✓	

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Dabbe Kersten	Homeschooling Boyeman	331	✓	
Tolly Kersten	" "	"	✓	
Autumn Kersten	" "	"	✓	
Sharon Tuskem	" "	"	✓	
Tim Tuskem	" "	"	✓	
Rosa Tuskem	" "	"	✓	
Ben Tuskem	" "	331	✓	
Kenneth & Timon	Grace Gospel	331	✓	
Daniel E. Ness	Grace Gospel Valer, MI	331	✓	
Sam Ness	Grace Gospel Valer, MI	331	✓	
Audrey Ness	" "	"	✓	
NR F + Pe NESS	" "	"	✓	
JANA NESS	" "	"	✓	
Ralph Shook	Big Sky Christian	331	✓	
Mike Morgan	Grace Gospel, Helena, MT	331	✓	
Robert M. Malberg	Grace Gospel, Helena, MT	331	✓	
W. W. Williams	Grace Gospel, Summit	331	✓	
Dale Vick	East Helena Four square	331	✓	
Robert Vick	East Helena Four square	331	✓	
Tiffany Vick	" " "	331	✓	
B. W. Williams	" " "	"	✓	
Jarvis Williams	Grace Gospel Church Summit	"	✓	
Ben Williams	" " "	331	✓	
Gerri MALBERG	Grace Gospel - Helena	331	✓	
Cadie Mallberg	" " "	331	✓	
Amity Malberg	" " "	"	✓	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Brandon	Grace Gospel Academy	331	✓	
Adam	" "	"	✓	
LINCOLN DZIEKOWSKI	Helena	331	✓	
DAVE MATSOLEK	SELF - Helena	331	✓	
William D. Mason	MCCC, Missoula	331	✓	
Ken Wickman	MCCC, Missoula	331	✓	
Jim Hartzell	Missoula Community Chapel	331	✓	
Suellen Davids	Bozeman's Christian School	331	✓	
Jennifer	" "	331	✓	
Teresa A	" "	331	✓	
Kari Staples	" "	331	✓	
Candi Fox	Bozeman's Christian School	331	✓	
Nicole Staples	" "	331	✓	
Marnie Staples	" "	331	✓	
Cheryl Elledge	TREASURY STATE ACADEMY FAIRVIEW BAPTIST CHURCH	331	✓	
Marc Elledge	Treasury State Academy + My Family	331	✓	
Lonna Wilson	Christ's Church	331	✓	
Matt Wilson	Christ's Church	331	✓	
Gene Boulton	Christ's Church	331	✓	
Jenny Turner	Grace Christian	331	✓	
Rochette Hall	" "	331	✓	
Jr. Roden	" "	331	✓	
Toni Anderson	" "	331	✓	
Lou Wilson	Christ's Church in Bozeman	331	✓	
Mrs Penny Jerome	Grace Gospel Academy	331	✓	
Mrs Grady Harding	" " "	331	✓	

(Please leave prepared statement with Secretary)

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
GLAOR MARKLAND	GRACE GOSPEL	331	✓	
SPEAKER "	" "			
Annita Markland	Grace Gospel Church	331	✓	
Alfred H. Trout	Florence Bible Church	331	✓	
Wayd S. Oster	Florence Bible Church	331	✓	
Bill Stange	Florence Bible Church	331	✓	
Richard Will	Bible Baptist church	331	✓	
Dave Broadbent	Fairview Baptist Church	331	✓	
Julia Lindrick	Fairview Baptist Church	331	✓	
John Genge	Summit Valley C.S.	331	✓	
Judith A. Helton	Fairview Baptist Church	331	✓	
Tim Zuidema	Emmanuel Christian School	331	✓	
Paula Albestad	Emmanuel Christian	331	✓	
Dave Boun	" "	331	✓	
Ken Koegel	" "	331	✓	
Greg Scholz	" "	331	✓	
Dan Zuidema	" "	331	✓	
Alicia Felstead	" "	331	✓	
Julie Voegele	" "	331	✓	
STEVE Fleming	" "	331	✓	
Melissa Skillings	" "	331	✓	
Joe Tambelli	Kalispell DeBorene Christian Acad.	331	✓	
Susan Jones	Emmanuel Christian	331	✓	
Colleen Peterson	Emmanuel Christian	331	✓	
Debbie Miller	Emmanuel Christian	331	✓	
Christi Felstead	Emmanuel Christian	331	✓	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mike Ferguson	Christ's Church	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Ferguson	" "	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Ferguson	Christ's Church	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Allen	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jucia Gergerson	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Allier	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kirsten Goodwin	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl M. Hunter	Emmanuel Christian #1 School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marije Rasmussen	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna B. George	Summit Valley School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna B. George	Summit Valley School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Melissa Skilling	Emmanuel Christian School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Becky Johnson	mt. Helena Adventist School	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Becky Johnson	my family	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Becky Houtchens	mt. Helena Adventist sch.	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Johnson	my family	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Johnson	my family	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lillian Wallway	Mt. Helena Adventist sch.	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Oliver Johnson	Grace Gospel	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jon Kodges	Grace Christian	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Keith Schitting	Grace Gospel	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Masonholder	E.H. Four Square	331	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DATE 2-4-83

COMMITTEE ON

Senate Education

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Leonard Roessner	self	331	✓	
Portia Sutton	Self	331	✓	
Chelsea Sutton	Self	331	✓	
Wally A. Roessner	self	331	✓	
Wally A. Sutton	self	331	✓	
John H. Piggy	self	331	✓	
Scott Skueser	self	331	✓	
Laura Kunz	self	331	✓	
Trista Dahl	self	331	✓	
Missy Carson	self	331	✓	
Jammy Kunz	self	331	✓	
Eddy Bowman	MYSELF	331	✓	
Michelle Michelle Bekenson	Msia. Comm. Chapel ^{Christian} School	331	✓	
Mindy Stacy	msia. Comm. chapel	331	✓	
Annjanelle Wharton	myself + my children	331	✓	
Kazstutis	SELF	331	✓	
Lise Reed	myself + husband - M.C.C.	331	✓	
Carolyn Kulso	SELF	331	✓	
Barbara Knapp	self & chapel ^{Missoula Comm} Christian	331	✓	
Lauryn Pruiett	Self ^{Missoula Comm.} Chapel Christian	331	✓	
LONA BELWIN	Self ^{Missoula Community} Chapel Christian School	331	✓	
Nona Chang	Self - ^{Missoula Community} Chapel Christian School	331	✓	
Sarah Guthrie	Fair Square Christian School	331	✓	
Nancy Coult	East Helena Christian ^{School}	331	✓	
Alx Coult	East Helena Christian	331	✓	
Richard F. Handeler	Self	331	✓	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Benson Cole			✓	
Dolan Sutton			✓	
Jason Sutton			✓	
Jeff Stambaugh	Liberty Christian School	331	✓	
Rita Brown	" " "	"	✓	
Amy Roberts	{ { }	"	✓	
Jonathan Roberts		"	✓	
Boyd Stambaugh		"	✓	
Bryan Pigg		"	✓	
Andrew Hill		"	✓	
Michael Backhaus	Liberty Christian School	331	✓	
June Backhaus	"	331	✓	
Kesari Borden	" " "	331	✓	
Brenda Boren	"	331	✓	
Janice Gonsiorowski	Moia Community Christian School	331	✓	
Elizabeth Buler	" "	331	✓	
Debbie Gonsiorowski	" "	331	✓	
Stephanie Palmer	East Helena Four Square School	331	✓	
Joan Pewitt	East Helena Four Square	331	✓	
Jamith Pewitt	East Helena Four Square	331	✓	
Rosemary Kung	St. Helena Four Square School	331	✓	
Janne Shreaver	St. Helena Four Square School	331	✓	
David Hopkins	Emmanuel Christian School	331	✓	
Bill Bolch	" " "	331	✓	
Grant Allestad	" " "	331	✓	
Jim McWhorter	" " "	331	✓	

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
DAVID J. ALLEN	Yellowstone Valley Chr. School Laramie, MONTANA	331	✓	
Shelby Huron	community chapel christian school talispell		✓	
Shawn Loughery	" "		✓	
ANDY KERN	BSCA		✓	
Lina Waggoner	CC & BTC (Kathryn)		✓	
Michel Oster	FCA		✓	
Susanne Johnson	FCA		✓	
Mr. R. Hedden	CC + BTC		✓	
Charles Co. Mc Gee	Summit Valley Christian School Bkts.		✓	
Sharon Miller	Summit Valley Christian School Bkts.		✓	
Stephen Mc Gee	" " " " "		✓	
Sue Bartlett	Self			
Jim O'Connor	Grace Gospel		✓	
Tom Van De Mark	Alliance Christian School		✓	
Bobbi Biegler	Grace Gospel		✓	
Lynn Turner	" "		✓	
Donna Flanigan	Nazarene, Christian Academy	331	✓	
Mat Garcia	Four square school	331	✓	
Christopher Portner	Four square school	331	✓	

NAME: James D Moore DATE: 2-4-83

ADDRESS: Box 198, Kalispell

PHONE: 755-8020 (work); 257-4464

REPRESENTING WHOM? Self; New Covenant Christian

APPEARING ON WHICH PROPOSAL: 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #1
Feb. 4, 1983

NAME: Joy Schwentke DATE: 2-4-83

ADDRESS: 109 5th St SE Sidney, MT

PHONE: 482-3706

REPRESENTING WHOM? Bill Baptist Church - MACS

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: Written testimony - reasons for us to
request this bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 4, 1983

February 4, 1983

Honorable Senators,

I believe the order of the day is a call to be reasonable. In a time when emotions are running high, in a issue where emotions have the tendency to replace level-headedness—we need to be reasonable.

I would like the committee to understand our reasoning for presenting a bill such as this and opposing a bill such as SB253.

Let us first look at what you are regulating. It is called education. It is in essence, training children. Let us look at the children. Some say the children belong to the parents, others say ultimately they belong to the government. These are both wrong. Children belong to God. Ps. 127:3 says: "Children are an heritage of the Lord." I will also argue that the children are given to the parents to raise. They are directly responsible to God for their actions. God has told us what to do. "Train up a child in the way he should go." Prov. 22:6. Eph. 6:2 says: Fathers, provoke not your children to wrath but bring them up in the discipline and admonition of the Lord."

Secondly, let us look at the area of education. Here also is an area of disagreement. The disagreement centers on whether education is secular or spiritual. Some tell us that it is okay to have church on Sunday, morning and evening, it is alright to have prayer meeting on Wednesday night, but from Monday to Friday, 8:30-3:00 that is secular. You wouldn't dream of regulating the Sunday services, or Wednesday prayer meeting, or Vacation Bible School, or Weekly Bible club, or Bible camp, but somehow the Christian school operating in the same building, with the same goals and philosophy is different. I assure you, the education of my children is not secular, it is a responsibility before my God. God commands us to "learn not the way of the nations" (Jer. 10:2) and "Cease . . . to hear that wick causeth strife" (Prov. 19:27). So if my children learn evolution instead of Biblical

creationism, if they learn situation ethics rather than Biblical standards, if they learn about the innate goodness of man, rather than God's love for fallen man and his ability to make him a new man, I have sinned against God. It is my conviction of religious belief, I can do no other. My practice or free exercise, is protected by the constitution.

Another area is control of the church. The church belongs to God. Jesus Christ is the head of it. He bought it. He is Lord. There can be no other head of the church. Yet, the government by attempting to approve or accredit the church ministry is in actuality putting itself above the church. Although we would have no difficulty complying with the regulations of SB253, that bill is contrary to the Biblical principle of the church. It is also contrary to the constitution.

Finally, some will say, but what about the Biblical command to be obedient to government. We believe this strongly. We recognize that we have a responsibility to be under authority to the higher powers. We also recognize that government has a responsibility to be a terror to evil works. In the area of education, the government does have a responsibility to prosecute those who legitimately are not teaching their children. There are channels now to pursue in that direction, as evidenced by some lawsuits today. We have no problem with those legitimate attempts. We find it hard to conceive that it is unlawful because they are not in a public school or some school that the government should prosecute.

We have proposed SB253 in good faith. We must have the opportunity to educate our children in a way forbidden by the Bible and the constitution to support and sustain our church ministry. We urge you to adopt this bill, so that we might be allowed to carry on the support of our children.

(This sheet to be used by those testifying on a bill.)

NAME: Yvette Wolff DATE: 9-4-83

ADDRESS: 3050 Arzozlye Rd. Delmar, DE

PHONE: 443-3193

REPRESENTING WHOM? Grace Hospital

APPEARING ON WHICH PROPOSAL: 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I feel that our schools need
to be left alone because germs created
all so we need to be heard of all.

Yvette Wolff

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT #2
Feb. 4, 1983

NAME: CHARLES E. WISSENBACH DATE: 2/4/83

ADDRESS: P.O. BOX 563, HAMILTON, MT 59840

PHONE: 961-3879

REPRESENTING WHOM? PARENT'S HIGH

APPEARING ON WHICH PROPOSAL: BILL 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: WOULD PREFER SECTION 2C be amended by
striking out "under the transportation provisions of this title."

THIS BILL IS A MUST. IT WILL LEAD TO
GREATER PUBLIC-PRIVATE SCHOOL COOPERATION
WE WILL NOT HAVE TO FEAR COOPERATION WILL
LEAD TO CONTROL.

- Charles E. Wissembach

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Witness
Feb. 4, 1983

WITNESS STATEMENT

NAME Hidde Van Duym BILL No. SB 331

ADDRESS 33 So. Last Chance Gulch DATE Feb 4, 83

WHOM DO YOU REPRESENT Board of Public Education

SUPPORT xxx OPPOSE AMEND xxx

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I speak in favor of ^{the concept of} this bill with some reservations. *Some amendments need to be made.*

I call your attention to the fact that this bill addresses the same issues as did SB 253 which you heard on Wednesday. It amends the same statute and sets out some criteria for exemption the same way SB 253 did.

These bills address the issue of compulsory education and excuses. We are not talking about public versus private education. The fact that there are problems in public schools does not excuse children from not attending school.

My reservations with SB 331 are two *and I suggest amendment on the following areas:*

- (1) the bill does not solve the problem which exists now, which is whether parents teaching their children at home come under the private school exemption. That issue needs to be addressed.
- (2) the bill does not give any guidance as to who checks whether an organized course is offered at all in the subject matter listed.

I hope you will ^{formulate amendment addressing these issues} ~~give these issues some thought~~. You may remember that during the hearing on SB 253 several speakers mentioned the name of William Bentley Ball, the attorney who argued on the non-public school side in the Wisconsin vs Yoder case. I brought his pamphlet with me for you.

1-25
4-1983
(This sheet to be used by those testifying on a bill.)

NAME: Roger Koopman DATE: _____

ADDRESS: 811 S. Tracy Ave Bozeman

PHONE: 587-7555

REPRESENTING WHOM? Christian Education Association of Montana

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: I have a 5-7 minute statement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*Minutes #1
Feb. 4, 1983*

Constitutional
Protection
of Christian Schools

by
William Bentley Ball

Association of Christian Schools International

Vanduyne



Executive Director Paul A. Kienel and Attorney William B. Ball

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

Constitutional Protection of Christian Schools

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Constitutional Protection of Christian Schools

by William Bentley Ball*

Two views are gaining currency in the United States these days with respect to "the things that are Caesar's." One is that which has appeared with renewed and dangerous emphasis among the federal and state bureaucracies these past five years — namely, that everything is Caesar's — that is to say; that almost all human activity must take place by permission of government and that, in particular, the activity of education is a prerogative of the state (whether that education is religious or not). I need not deal with this concept at great length here: three state supreme courts (in Vermont, Ohio and Kentucky) have directly contradicted that view. The Supreme Court of the United States, in its 1972 decision concerning Amish parents, went a great distance in doing the same thing. That Court has not yet passed upon all the issues which have arisen concerning religious liberty in education, and that is one of the reasons why it is critically important that all persons engaged in religious, educational or welfare work need a very exact understanding of what government may and may not do under the United States Constitution.

Parenthetically, I must here warn against hip-shooting litigation. It is very easy, when trouble comes along, to say "Let's go to court" and to add the rallying cry, "We'll take this all the way to the Supreme Court if we have

* Partner, Ball & Skelly, Harrisburg, PA

to!" But here's the rub: the Supreme Court has not definitely spoken on a number of constitutional issues related to religious education. And we have no guarantee that the Supreme Court (or any other court in the United States) will necessarily rule rightly in test litigations which are brought. As an attorney who has been involved in much constitutional litigation in the field of religious liberty, I can say that the first rule to be observed is one of great caution toward starting lawsuits. Litigation is a last resort. Sometimes it is best to defend in litigation rather than to start litigation. Litigation, in any event, should be undertaken only when it is perfectly clear that all other methods are hazardous, and litigation should never be undertaken unless it is solidly prepared, with painstaking effort. And here I should add, that the preparation of litigation is necessarily a time-consuming business and that the burden of conducting even one constitutional litigation may be great enough to involve most of the time of two or three lawyers for protracted periods. Haste in litigation may produce immeasurable woes, not only in terms of the particular client's interests but also in terms of precedents which may prove ruinous to everyone.

All of the foregoing ties into the subject of this paper, which relates to the basic question of what rights, if any, government has with respect to religious schools. That brings me to the second view to which I referred above.

There has been widely circulated in fundamentalist circles, over the past two years, the view that, since God has founded the Christian school, government has no rights whatever respecting it. This view is without

any foundation whatever in the Constitution of the United States. And here I am referring to a view of our Constitution which regards religious liberty as the most sacred of our liberties.

The start of our inquiry must be what I often call "the preamble" to the Preamble of the Constitution — namely, the Declaration of Independence. The Jewish liberal constitutional lawyer, Leo Pfeffer, has often remarked that our Constitution has a completely secular purpose, as is evidenced by the Preamble, which nowhere mentions God. But it is my own view that there is a preamble to that Preamble — namely, the Declaration of Independence. The Declaration very plainly states that our rights come from God, not from the state. But the Declaration also recognizes the concept of government. It says "that to secure these rights, governments were instituted among men, deriving their just powers from the consent of the governed." Here we see it recognized that government has a job to do — "to secure these rights." We also see it stated that government only has powers which are "just" powers. What are these rights? They are stated broadly: "life, liberty and the pursuit of happiness." Our courts have, from the very beginning, recognized that those three bundles are related to a thing which philosophers have called "the common good" — or the good of everybody. If the common good is not recognized, then everybody's individual rights are placed in jeopardy.

Let me illustrate: suppose that in the matter of traffic safety, we forget about the common good and that therefore, there would be no speed limits and no traffic signals. Even if all citizens were virtuous and tried their best to drive with care, the chaos and carnage

resulting from the absence of traffic laws would be stupefying. And I think you would agree that there would still be a lot of trouble if one group — namely clergymen — were exempted from the traffic laws, or even if the exemption extended only to clergymen engaged in a trip for religious purposes. Now the traffic laws do not exist just to protect me. I derive great benefit from them individually, but so does everybody else. They serve a common good.

I could multiply examples, as they pertain to many criminal laws, the national defense, etc. If you will now take a look at the actual Preamble to the Constitution, you will see a whole series of “common good” purposes stated as to which government — for the sake of the common good — is given powers and as to which very careful restrictions are placed upon government in the exercising of those powers.

The long and short of it is that if we do not have government for the purpose of protecting the common good, we have a society of chaos and danger, a jungle in which every person has to look out for himself in order to survive.

In terms of religious liberty — and, in particular, with respect to the Christian school — are there any “common good” considerations which ought to be observed and as to which government may play a role? I realize that some pleas for defiance of government are hard to resist, especially when they are made with high emotion and contain citations to the Bible and the Constitution. A sort of euphoria can take over as one is made to feel that he is in the exact same slot as the early Christian going to face the lions in the arena. Well and good, if we are right. But God gave us reason, and

we ought to apply our reasoning powers very solemnly, carefully and deliberately before we make our decision to defy the state. An important step in the reasoning process is to inquire whether the state’s interest is one which is truly for the common good.

So far as religious education is concerned, the “common good” area in which the state may act is very small indeed. The two broad principles are the following:

1. Government may not dictate, control or supervise the religious mission of a religious school, whether that school is operated by a church or not.
2. Government may pose reasonable requirements pertaining to health, safety, sanitation and a basic core of learning.

These two principles require explanation. Under the first heading, it is very clear that government may not dictate, directly or indirectly, the curriculum of a Christian school (except as to the “core” which I define hereinafter). It may not dictate teaching methods. It may not impose teacher qualifications (including, of course, teacher certification). It may not dictate textbooks or instructional material. It may not require governmental approval, certification or any other form of licensing of the school. It may not conduct inspections of the school with regard to any of the foregoing matters or with regard to pupil performance or teacher performance. It may not require the school to belong to surrogate private accrediting agencies or to be passed upon by them. It may impose only very limited reporting requirements as discussed later. It may not control or dictate wages or hours of employment within the school. It may not dictate its legal structure (for

example, to be incorporated or chartered). It may not play any role with respect to labor relations within the school or certify the teachers of that school as a bargaining unit under the National Labor Relations Act or any state labor relations act. Government may not apply to the school laws relating to discrimination on account of religion, sex or handicap. While serious questions remain to be solved with respect to discrimination on account of race, so far as the admission of students is concerned, government has no power to impose on the Christian school a program of affirmative action such as was proposed by IRS in 1979 in its Proposed Revenue Procedure respecting racial discrimination.*

As to compulsory attendance laws, or truancy laws, serious questions remain to be resolved by the courts. The compulsory attendance laws of several of the states are plainly unconstitutional and could not properly be complied with. Those state truancy laws which require a child to have a basic modicum of education in a safe and healthful environment are, in my view, valid. I regret that, to expose this whole subject in proper detail, would take far greater space than the plan of this paper permits.

As to the second principle: government may impose reasonable fire regulations. "Reasonable" — not every fire regulation is reasonable. In one state recently the state fire marshal attempted to impose upon a Christian school a State Fire Code. The Code was drawn broadly enough to cover every sort of institu-

*There are some dicta in U.S. Supreme Court decisions which are contrary to the foregoing. But those dicta appeared in contexts relating to state aid to religious schools and did not consider the issue of government "entanglement" with religion.

tion, public or private. Research disclosed that the Code had been developed essentially with respect to industrial buildings. It contained many provisions which made no sense whatever as applied to a small school building. It contained references to a national safety code which had been developed by safety experts — a remote body which had worked up a set of regulations which, in their subjective judgment, were ideal. The school could not have begun to comply with all of these regulations. To sustain even part of the cost of making the changes which they required would have put the school out of business financially. Furthermore, a number of the regulations were completely unworkable in terms of a small school setting. Mainly, they were unnecessary for the protection of the children. Having said all that, it is nevertheless clear, that governmental authority may make requirements for the protection of school children against fire. The reasonableness of these regulations is usually best determined by experienced, commonsensical local officials or, if the question becomes one involving witnesses in court, practical-minded, experienced engineers or contractors. Fire protection is clearly a "common good" matter, and it is necessary that government require reasonable fire protection for all children. I see no violation of constitutional principle here at all. Further, I see a very important point with respect to potential liability of the school in damage actions by parents whose children have been killed or injured due to fire. If the school is able to show compliance with fire laws, so far as these are reasonable, the school will likely be protected from such liability claims.

The same considerations apply to other aspects of child safety. Again there must be the most careful

scrutiny to assure, on the basis of competent professional advice, that the state or local requirements are reasonable. An aspect of safety requirements which often comes up is the question of whether a private religious school may be required to report to some public official the names and addresses of students enrolled therein. This is a "gray" area, but, if we agree on the concept of a reasonable compulsory school attendance law, then I believe that we could agree to the making of such reports. The reasons for the reports — or, to put it differently, the only valid reasons for such reports — are (a) to help locate a child who may be missing, (b) to assure that the child is in compliance with the compulsory attendance laws. While the latter reason seems to me to be of possible questionable validity, the former reason appears to me strong especially in this day of so much molestation of children. Immediately, however, I note this warning signal: I consider the state entitled to this information solely for the above two purposes and not for any other purpose. In no sense should the Christian school, in making to such report, indicate that it is thereby subscribing to the idea that the public educational authorities have supervisory control over the religious school. That point being made clear, I do not see any constitutional difficulty in the school's making it known to some public official that a certain child is enrolled in, and will be daily located in, the school.

As to health requirements, a word of strong warning at the outset. Under federal legislation states are devising State Health Care Plans and under some of these which I have seen, the definition of "health" is so broad as to embrace virtually any kind of human conditions — mental, psychological, social, economic, sexual, etc. I

see the state's "health" requirements as valid only in an extremely narrow area. These reasons are reasons closely allied to the fire and safety considerations expressed above. Reasonable kitchen, food and lavatory requirements may be imposed — and for all of the reasons I have stated above. Law, properly understood, has an educational dimension. For example, the fact that we still have, in a few states, laws against fornication, represents a teaching that our society condemns fornication. Here the law expresses a Biblical principle, and it is well that it should. Also, therefore, when the law provides that a kitchen in a school not be a source of disease, and provides elementary implementing requirements, this undoubtedly serves a useful educational function. Competent local medical advice can ordinarily be obtained as to the reasonableness of the imposition in question. Immunization presents certain special problems. Certainly where there is an epidemic, the state has constitutional power to impose immunization requirements. We must beware, however, of the word "epidemic." Currently, health authorities are complaining of an "epidemic" of venereal disease. Venereal disease is indeed of "epidemic" proportions, but it is spreading mainly through the voluntary acts of individuals. We should be wary of any attempt of health authorities to impose, within Christian schools, any form of venereal disease control.*

As to curriculum, it is undoubtedly constitutional that government require that all children physically and mentally capable receive a basic education (as I will

*I do not here deal with the gigantic problems posed by the efforts of public authorities to use the tax moneys of all citizens, and the apparatus of government itself, to impose requirements upon public schools which are at complete variance with Christian morality.

define the term "basic"). There would appear to be a compelling state interest that a child learn the language of his country (reading, writing, spelling), its history, geography and form of government, and how to compute. Our society would be chaotic if people lacked these forms of knowledge — especially English communication. I think you can see evidence of the chaos as you note the growing illiteracy of children emerging from the public schools. The growing dependence upon sensation, audio-visual sound and imagery in substitution for true education, the use of reasoning powers and reliance upon the mind, is a very great danger to our society at the present.

It would appear that the Christian school would willingly concede that there is a very strong "common good" interest in children's learning the "basic branches;" however, beyond this, all subjects must plainly be optional. As we brought out in the case which the Christian schools of North Carolina so courageously waged against the North Carolina competency testing statute, there is no agreement in the general community as to anything beyond the basics, and that proves that there is no compelling state interest in imposing anything beyond the basics. About every five years some pressure group comes forward and says that a particular subject is critically necessary. We have seen these vogues of the New Math, courses in Consumerism, Environment, Free Enterprise, etc. Many Christian schools feel they cannot, in conscience, offer courses in Consumerism — which are essentially courses in materialism.

May a Christian school be required by the state to report levels of achievement by its pupils in the "basic branches"? The question is not an easy one to answer.

On the one hand, suppose that a school advertising itself as a "religious" school, is in fact a herding place for children in a warehouse or garage. Suppose, further, that the school advertises that it teaches the "basic branches" and that, in fact, it does, but in hit-or-miss fashion — very badly — the end result being that the children learn little or nothing. Is not the state entitled to some evidence that the course offering is not a fake? If it cannot, then what is the point of requiring the "basic branches" at all? If a parent can comply with compulsory attendance laws by sending his child to a school which merely says that it offers the basic branches, but in real fact does not, what's the point of the compulsory attendance law?

On the other hand, if the state can measure the school's performance in the "basic branches," does this not really put the state in the position of running the school? If a state law would merely require that the schools submit achievement results in the basics to state authorities, what would be the point if the state could not then pass upon the level of achievement? Why give the state that information if the state can do nothing with it? Suppose that the school makes an honest report to the state authorities that shows that its children are performing below satisfactory levels on the Stanford Achievement Test: what would be the point of a law which gave the state that information but provided no consequences? But if the state should be empowered to pass upon the results, where does the power of the state end? If it can impose sanctions, then it can impose sanctions representing the state's standards.

My answer to these opposing policies is to say that the state should not be deemed to have power to review

achievement results in the schools. While I realize that fake and fraudulent schools may be established and that it is quite possible that some private religious schools will do a bad job in the educating of children, I believe that there are two immensely important factors which protect the "common good" in this matter: (a) the parent market, (b) existing state laws relating to fraud, safety, and health. The parent market is critically important. These are days of horrendous inflation, taxation and loss of employment. Parents are *not* long going to invest money in schools which are worthless. Parents who care enough about their children to enroll them in private schools are, by and large, parents who are keenly interested in their children and willing to sacrifice for them. This is a practical fact of life. In case after case I have seen private school parents who are men and women of excellent intelligence and deep love for their children. I believe that the parents, the children and the public are well protected by the "parent market" factor. There are plenty of laws to protect parents and children against fraudulent or dangerous schools. These laws can be, and are, enforced in all fifty states, and there is not good reason for imposing an overlay of additional structures of law in view of that fact. Weighed against the dangers of state supervision, surveillance, inspection and control of private religious education, it is very clear that the schools may not constitutionally be required to subject themselves to evaluation by public officials — which can only mean the imposing of public school standards on private religious schools — and therefore making them a carbon copy of the schools which the state owns and runs. It must never be forgotten that the Bible-centered Christian school was not founded by the state and is

not funded by the state. It is not a creature of the state and may not be run by the state.

Lastly, it is important to note that public education is 100 percent state-controlled and state-funded. Yet it is precisely in the public school that education failure has been so noticeable — in terms of illiteracy, low achievement, dropouts, push-outs, violence and drugs. That merely proves that no amount of government control of education — even 100 percent control — apparently gives the slightest guarantee of quality in education.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

The foregoing constitutes a summary of the constitutional principles which I believe to be involved with respect to "the things that are Caesar's." Not many things are, when it comes to Christian schools. Intrusions by the state in the "prohibited areas" which I have discussed must be vigorously resisted. But also we must abjure emotional crusades which would plunge the Christian schools into needless — and wrongful — assaults upon government. We must never forget that when we speak of "government," we are speaking of something that is ours. We must always keep reminding Americans that they own their government. The government is not "they," and when public officials go astray, we must rebuke them and bind them down to their role as our servants. I am greatly distressed by the essentially un-American character of statements I have recently read which would, on the basis of a lack of understanding of our constitutional law, make it appear that no things are Caesar's — that is, that there is no "common good" area which

we the people, as a people, have a responsibility to protect. As a veteran of several decades of fighting off governmental intrusions on private liberties (not only in the educational area but in the area of charitable foundations, churches, private hospitals, child-caring agencies, the marriage relationship, environment and private free enterprise), I feel myself somewhat qualified to speak with special-sensitivity on the subject of governmental lurching into the private sector. During World War II I recall an incident in which a commander, inspired with zeal to fight the Nazis, inadvertently caused his own American troops to be shelled. No one could doubt this man's zeal: he was eloquent zeal personified. His trouble was that he was all zeal, and once his enthusiasm had expended itself through his gun batteries' carrying out his orders, it was not the enemy who got hurt but his own troops. The Christian school movement is one of the great assets that our beloved country now possesses. It must not be put in danger by trigger-happy tactics. We Americans have great constitutional traditions, and we must preserve them. In these we find, and must constantly reanimate, a radical defense of religious liberty seen in the light of a Christian view of the common good. □

Exhibit # 5
Feb. 4, 1983

TESTIMONY OF THE CHRISTIAN EDUCATION ASSOCIATION OF MONTANA

Represented by Roger Koopman, Bozeman

Senate Education Committee

February 4, 1983

"Freedom is the right to choose, the right to create for oneself the alternatives of choice. Without the possibility of choice and the exercise of choice, a man is not a man but a member, an instrument, a thing."

Those words by Thomas Jefferson strike at the heart of what America and Americans are all about. It can be summed up in one word -- freedom.

Those of us testifying in support of S.B. 331 are not asking for special favors and we're certainly not asking for money. We are simply asking that our freedom as Americans be respected and honored and upheld. We're asking that our government recognize our God-given right to freedom of choice in the education of our own children.

The philosophy of freedom under God has worked pretty well for this nation. While the rest of the world has been generally engulfed by one form of authoritarianism or another, Americans have lived in freedom -- the freedom to think, the freedom to choose, the freedom to invent, the freedom to excel. The result has been an incredible explosion of the human spirit, of creativity and of productivity in all fields of endeavor, including education.

Unfortunately, in recent years we have seen an educational elite rise up that is no respecter of academic freedom and is certainly no respecter of the faith of our founding fathers. This elite represses free thought and only tolerates certain narrow points of view -- Christianity not being among them. As a consequence, we have seen the quality of public education literally fall through the floor.

But thank God we still live in a free country. And so, as a response to this sad state of affairs, we have witnessed Christian and other private schools springing up by the hundreds each day all over this land. Increasingly, parents are being afforded an educational alternative -- a choice.

But it's hardly surprising that this same discredited educational elite would be doing everything possible to bring the private education movement firmly under its thumb -- to squelch it, to squash it, to destroy it. This establishment has a vested interest in resisting competition, in resisting innovation, in resisting progress, in resisting change. And if freedom should be banished in the process, then so be it.

I'm reminded of the words of Dr. Martin Essex, Superintendent of Public Instruction for the State of Ohio, who in the Whisner vs. Ohio case said: "If defendants have presented evidence sufficient to support the claim of religious infringement by the State through its Minimum Standards, must the religious freedom necessarily prevail? Clearly not. . . the State's interests in providing a compulsory minimum standard of education clearly outweighs whatever minor infringement on the defendants' religious practices may result."

Stop and think about that statement for a moment. Recognize that this is the attitude of most public educators and then consider the ramifications.

And so, the battle lines are drawn. On the one side is human freedom -- the freedom to think, to teach, to worship and to learn. On the other side is the drive for conformity, compulsion, oppression and tyranny.

Who is affected? We all are affected. Who stands to win or lose? We all do.

The issue is freedom.

4, 1983

NAME: Mike Proffitt DATE: 2-4-83

ADDRESS: Whitefish, MT

PHONE: 862-4487

REPRESENTING WHOM? CCC School

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: _____

_____ *Rutter* _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Sketch #6
Feb. 4, 1983

Michael L. Proffitt
Testimony - Support of Senate Bill #331
Friday, February 4, 1983 - 1:00 P.M.

Dear Chairman Brown and Members of the Senate Education Committee:

Several weeks ago Judge Hotchkiss in a Michigan case regarding Christian school freedom said that state regulation of any private school presents "an incredible conflict of interest".

This conflict of interest is one concerning dollars and cents. The state is attempting to regulate a competitor. The reason this is being done is to control education (both private and public) in order to save the state system of education (the public schools).

The average amount of money lost from the state level to the local district is as follows:

Avg. Amount Annual	Elementary	\$1,563.03
	Sr. High	1,944.09

The above average cost was given to me yesterday February 3, 1983 from Mr. Bob Stockton, Administrator of State Equalization Aide.

I encourage you to vote for S. B. 331. If private education is allowed to operate freely without state regulation, the cost to the taxpayer of Montana will decrease.

Guest column

Urges 'No' vote on bill to control private schools

By **MIKE PROFFITT**
Principal of Cross
Currents Christian School

Webster's New World Dictionary defines monopoly as 1) exclusive control of a commodity or service in a given market, or control that makes possible the fixing of prices and the virtual elimination of free competition; 2) an exclusive privilege of engaging in a particular business or providing a service, granted by a ruler or by the state. Presently the public school system has an educational monopoly in Montana and America because the State has granted this control.

CURRENTLY IN MONTANA THE STATE SENATORS are faced with an issue of whether to increase this monopoly control or to allow the private schools to continue to compete in a free market to educate the children of Montana. Private schools have an excellent track record of educating children at a lower cost and producing successful results. Children attending private schools are scoring above the national average scores using national standard achievement tests.

Senate Bill 253 has been sponsored to require strict government control of private schools. The State Board of Public Education was the initiator of this bill and according to a quote from State Representative Tom Hanna from Billings, "Money is the motivating factor behind the state's proposal".

The state board wants to control the process of education in private schools. The private schools believe that all schools should test the child to determine if the school is doing the job. However, the state believes that the process must be controlled and has resisted the private school proposal to administer a test to determine whether the private school or public school is doing the best job of

educating children. Ed Argenbright, the State Superintendent of Public Instruction has stated that the school laws regarding private schools are adequate. Therefore, further government control is not needed.

THESE QUESTIONS WILL BE ASKED AT THE Senate education committee hearing on Wednesday, Feb. 2 at 1 p.m., at the Capitol in Helena.

1. Why do you want to control the process of education in the private schools of Montana?
2. Will you be willing to reveal test scores of all children in the state in both private and public schools to the people (who are taxpayers) so they may determine which schools are producing the best result (an educated child)?
3. Can the state prove through statistical evidence that state certified teachers are the best qualified to teach children?
4. Are the public school teachers' unions behind this bill to control private schools?

I urge the concerned citizens of Montana (especially the taxpayers of Montana) to be actively involved on this important issue. Private education, if permitted to operate freely, will save the Montana taxpayer money this year and this tax savings will increase each year. The private school desires to operate free of tax money and the public school requires your money in taxes to educate children.

You, the citizens have a real choice to make concerning this important issue of freedom and lower taxes. Contact the State Senate Education Committee by letter at Capitol Station, Helena, Montana 59601 or by phone at 449-4800. The first minute is \$.44 and \$.34 for each additional minute. Encourage the Senators to vote **NO** against Senate Bill 253. If you have questions you may contact me at 406-862-5875.

EXCEL 116 THIS SHEET TO BE USED BY THOSE REGISTERED ON A STATE
Feb 4, 1983

NAME: James F. Mapledoram DATE: 4 Feb 83

ADDRESS: 733 S. 2nd W. Missoula MT 59701

PHONE: 721 5891

REPRESENTING WHOM? my family

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: University of Montana Interview: Asked In your opinion do the students coming into the U. of M. have more trouble coping, grasping, adapting and generally taking hold of academic responsibilities than say 10-20-30 years ago.

- Harry Fritz, Dept. of History = Not much change; Dick Adler, English Dept., very hard to answer, Montana has "pockets" of quality writy ability and very poor writing/English ability; there has been a general increase in use of remedial courses; Thomas Payne, Political Science, 32 years - a definite decrease especially in writing, math, History, self motivation and ability to relate even recent history or publication to themselves at present. He referred me to the Coleman Report, by James S. Coleman, found two very basic variables that lead to the greatest achievements, or what produces great achievement 1) Attitude of family 2) Peer Pressure, if

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. These are absent then achievement fell greatly. Montana has not only three other states west of the Mississippi spend more money on public education and the quality still goes down.

My wife & I teach our children at home. We feel it is our God given right & responsibility to do this and the 1st amendment to the Constitution protects this right.

I appeal to the education committee to consider adding

The term "(Home)" in section 2 (a) in order to make it clear as to our legality and grey as it is now.

So I support SB 331 with this amendment. I also urge you to consider what is written in HB 49.

Thank you very much

James F. Mepham

Feb. 4, 1983

NAME Mrs. Ronald Hale

BILL NO. 331

ADDRESS 1119 2nd Ave., Laurel, Mt. DATE 2/4/83

WHOM DO YOU REPRESENT Yellowstone Valley Christian School

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I have worked in a Christian School for 7 years and have seen nothing but quality education stressed. I've seen many students, who were doing poorly in the public school, do ~~so~~ very well in the Christian school because the teachers care more, discipline more and encourage more. The Biblical principles really work in the school system. For our country's sake please ~~do~~ don't take away this freedom to educate our children the way God ~~has~~ has shown us.

Thanks!
Mrs. Hale

Feb 4, 1983

NAME: PASTOR DONALD R KELLEY

BILL NO. SB331

ADDRESS: Box 7, Joplin, Montana 59531

DATE Feb 4, 1983

WHOM DO YOU REPRESENT: GRACE GOSPEL CHURCH, GRACE CHRISTIAN SCHOOL

SUPPORT ~~XXX~~

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We are not asking that the public schools be forced to adopt our standards. We are simply saying that we cannot adopt their standards. SB331 is a reasonable piece of legislation that would allow us to continue to coexist. I am asking that you give this bill a "do pass" recommendation. Thank you!

Feb. 4, 1983

NAME: Chip Erdman DATE: 2/4/83

ADDRESS: Helena

PHONE: 442-2180

REPRESENTING WHOM? MT School Board Assoc.

APPEARING ON WHICH PROPOSAL: 331

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____
with several reservations

COMMENTS: — see attached —

Multiple horizontal lines for additional comments or notes.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Sheet #9
ed 4/1983



MONTANA SCHOOL BOARDS ASSOCIATION

501 North Sanders
Helena, Montana 59601
Telephone: 406/442-2180
Wayne G. Buchanan, Executive Director

Testimony of Chip Erdmann Senate Bill 331

This bill would revise the current compulsory enrollment section of the Montana school law. It would create an exemption for parochial or church schools which provide "an organized course of study that includes mathematics, science, social studies and language arts, including reading and writing."

The School Boards Association supports the concept of this bill. Requiring a basic course of study will ensure that all children in Montana have an opportunity for a basic well-rounded education.

We do see some problems in the bill however which should be addressed. The current controversy surrounding non public schools in Montana was caused, in part, by a lack of definition in the law. This bill would not solve that problem. Who would determine whether the organized course included the specified subjects? Keep in mind the Board of Public Education is charged with the constitutional responsibilities in this area.

As stated, the concept of this bill is good. What it needs is some language defining who is responsible for determining that the parochial or church schools meet the basic requirements set forth in the bill. Unless this is addressed, I'm afraid we will be in much the same uncertain situation we currently find ourselves.

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Point, MT 59201
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T PRESIDENT
n Re nson
Box 19
at F MT 59403
CT DIRECTORS:
RL MESSICK
e #1, x 1248
by, F 59923
ARVIN EDWARDS
D. Box 428
inor MT 59523
ARY BARTEL
ok 2
Half Point, MT 59201
HENRY NOLLMEYER
evag 7262
NITE JOHNSON
oute 1, Box 1644
ewatown, MT 59457
LIC JULY
35 Julian Road
Helena, MT 59801
KENNETH BANDELIER
40 E Bannack St.
Hill MT 59725
AMY HALL
734 Gooch Hill Road
ozeman, MT 59715
DE ESHLEMAN
Vanda Lane, Rt. 8
ings, MT 59101
OBERT SHORT
Tomp
s City, MT 59301
PAL:
NGS DIRECTOR
HAEL YOUNG
5 Burlington Avenue
ings, MT 59102
E DIRECTOR
OBERT GOODMAN
0 Sampson St.
itte, MT 59701
T FALLS DIRECTOR
ARLENE MEDDOCK
45 Park Garden Road
reat Falls, MT 59404
OLA DIRECTOR
ES BRIGGS
iversity Ave.
seoula, MT 59801

Exhibit #17
Feb. 4, 1983

NAME: Rose Mary Rodgers DATE: 2/4-83

ADDRESS: 1517 Blomerville

PHONE: 443-5180

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Taking God out of our class room and putting Sec Ed. in was a sad substitute.

We want a better school system that will teach the WHOLE person.

The public school system is in shambles - yet they ^(state) want to control what they have lost control of. ~~The~~ Now please cease and desist! You ^(state) have had ^{their} chance & failed miserably.

Thank you
Rose Mary Rodgers

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

7-11-11
Feb. 4, 1983

2/4/83

Chairman & Members,

I strongly support SB 331
& urge passage.

The State and Public School
System allowed God to be
censored out while replacing Him
with Sec Ed. & meaningless
social studies.

It was bound to follow that
private schools would proliferate
and flourish.

No - we will not conform
to their Godless standards. We
want a superior system & have it.

Please support S. B. 331

Thank you, Rose May Rodgers
1517 2nd St. S.E. 386 77

NAME: Rev. A. L. Mellenberger

BILL No. 331

ADDRESS 737 S. Dakota

DATE

WHOM DO YOU REPRESENT Old Fashion Christian Aedy

SUPPORT Yes! OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I support this bill because it will give me, the parent, the God given privilage to raise and teach my children according to HIS word.

NAME

BILL No. 331

ADDRESS

GARY RAY MILLER

DATE 2/4/83

WHOM DO YOU REPRESENT

OLD FASHION CHRISTIAN ACADEMY

SUPPORT

X (YES!)

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I would like to go on record to

support House Bill 331. I support it

with all my heart.

NAME: Dallas Doyle

BILL NO. 331

ADDRESS: 1204 E Second St Butte, Mont DATE 2/4/82

WHOM DO YOU REPRESENT Old Fashion Christian Academy

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: AS A CHRISTIAN PARENT I WILL I HAVE A
GOD GIVEN RESPONSIBILITY AS WELL AS A GOD
GIVEN ~~RIGHT~~ ^{PRIVILEGE} TO EDUCATE MY CHILD
AND I WANT TO BE LEFT ALONE TO DO SO.

(This sheet to be used by those testifying on a bill.)

Erhibit #11
Feb. 4, 1983

ME: Louis R. Allred

DATE: 2-4-83

ADDRESS: R. O. Box 116, Pinesdale, Mt. 59841

PHONE: 961-3764

REPRESENTING WHOM? Bill 331

APPEARING ON WHICH PROPOSAL: Pines Academy

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The provisions of this bill would adequately insure basic education needs for the states children. Unlike Bill #253, it does not attempt control over private schools in any other area except that reasonably expected.

As a certified teacher and a certified secondary principal, I do not believe that teaching nor learning is based upon "status" from the state or from colleges or universities in the form of degrees, licenses, certificates, or accreditations. People most concerned for the welfare of the children do and will learn to do the best educating.

We are for some minimum basic requirements for our children that will insure their ability to deal with their fellow men. This bill (331) is enough. We won't
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

let you down!

Exhibit #12
Feb. 4, 1983
sheet to be used by those testifying on a bill.)

NAME: William Whorton DATE: 1/3/83

ADDRESS: 6882 BUTLER CRK Rd. MISSOULA, MONT.

PHONE: 549-7804

REPRESENTING WHOM? MISSOULA COMMUNITY CHAPEL

APPEARING ON WHICH PROPOSAL: SB-331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The bill clearly teaches that parents are held responsible for educating their children, not the state. Jesus said under unto Caesar that which is Caesar's and unto God that which is God's. Parents tell us children are a heritage of God's school. Please let us fulfill what God requires of us, training up our children in the nurture and administration of God, not being controlled (certified) by the state.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME NOLA ROGERS BILL NO. 331
ADDRESS 905 W 4th ST LAUREL, MT DATE 4-83
WHOM DO YOU REPRESENT First Baptist Church of Laurel
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*I am really praying for God to lead you
and to make the right decision - please note
for bill 331. Thank you.*

NAME Kristie Lawler

BILL No. 331

ADDRESS: Rt 1 Park City, MT 59063

DATE Feb 4, 1983

WHOM DO YOU REPRESENT First Baptist Church

SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Marlene J. Wells

BILL No. 331

ADDRESS Route 1 - Park City, Mont. 59063 DATE 2-4-83

WHOM DO YOU REPRESENT First Baptist Church

SUPPORT Yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Robin E. Stewart BILL NO. 331
ADDRESS: 905 W. 4TH St., LAUREL, MT DATE 2-4-83
WHOM DO YOU REPRESENT Yellowstone Valley Christian School
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Avonne Johnson

BILL NO. 331

ADDRESS: 3282 Ave F Billings, Mont DATE 2-4-83

WHOM DO YOU REPRESENT First Baptist Church YKCS Laurel Mt.

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Joyce A. Joki

BILL No. 331

ADDRESS: 618 Elm Ave Laurel, Mt. DATE 2-4-83

WHOM DO YOU REPRESENT Yellowstone Valley Chr. School

SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Mrs. Evalene Bare

BILL NO. 331

ADDRESS 935 W. 4th St. Laurel, Mont. 09044 DATE 2-4-83

WHOM DO YOU REPRESENT Yellowstone Valley Christian School

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Dwight Bare

BILL No. 331

ADDRESS 935 15th Street NW

DATE 2/28/83

WHOM DO YOU REPRESENT First Baptist Church

SUPPORT YES OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Walter C Lacy BILL No. 331
ADDRESS: 411 8th Ave Laurel Md 59044 DATE 2-4-83
WHOM DO YOU REPRESENT First Baptist Church
SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Mrs. Jerry Spicher BILL NO. # 331
ADDRESS: RR# 1 Shepherd, Montana DATE 2-4-83
WHOM DO YOU REPRESENT 1st Baptist Church of Laurel
SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Russell W. Lenzin BILL NO. 331
ADDRESS: R 2 Box 848 N Laurel, Mont DATE 2/4/83
WHOM DO YOU REPRESENT 1st Baptist Church yves school
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Sen Doherty

REF No. 331

ADDRESS: 420 Second Ave Laurel Mt.

DATE Feb. 4, 1983

WHOM DO YOU REPRESENT First Baptist Church of Laurel

SUPPORT

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: CURTIS L DOHERTY BILL NO. 331
ADDRESS: 420 2nd Ave Laurel, MD DATE 2-4-83
WHOM DO YOU REPRESENT First Baptist Church
SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Ronald K. Hale

Bill No. 331

ADDRESS: 1119 2nd Ave. Laurel, MT. 59044 DATE 2-4-83

WHOM DO YOU REPRESENT 1st Baptist Church, Laurel, MT. 59044

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Feb. 4, 1983

NAME: Nick Fuller

BILL NO. SB 331

ADDRESS: 2411 N. STACY MILWAUKEE WIS. 53212

DATE 2-4-83

WHOM DO YOU REPRESENT BAPTIST TABERNACLE CHURCH

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

copy
Feb. 4, 1963

TESTIMONY ON SENATE BILLS 253 AND 331

I am Nick Fuller, superintendent of the Baptist Tabernacle Academy in Miles City. I am currently enrolled as a graduate student at Eastern Montana College, and am in the process of researching my thesis topic, which is the state's legal relationship to private, church related schools. I support SB 331 and oppose SB 253 for the following reasons:

REASONS FOR OPPOSING SENATE BILL 253

1. It's constitutionality is questionable, at best. Most of the Christian schools in the state are administered by the pastor. Section four of this bill requires written contracts for administrators of private schools-- a clear infringement on the free exercise of religion by the congregation in the selection of its pastor. That same section requires contracts for teachers, who are also church employees in these schools.
2. Those in the church schools are concerned about the education of children. They are not trying to "get away" with something. It is not a "guise"-- it's a sincerely held belief. They take their children's education very seriously, putting their money where their mouth is by financially supporting the school which their children attend.
3. This law goes beyond "reasonable" regulation. While it is true that reasonable regulation of private schools has been upheld in many courts, this bill is over regulation, and goes well beyond what is really necessary or reasonable.
4. The state has yet to demonstrate that its control of the public schools has in fact gauranteed a quality education to anybody. While no one would argue that many ~~have~~^{receive} good educations, neither would most of us say that everyone does.

5. Conflict of interest. At least one court, in the State of Michigan, has recently held that state control of private schools puts the state in the enviable position of being able to control its competition.

6. Children are not the mere creatures of the state. They belong to God and are entrusted by Him to the care of the parents, not to the State of Montana. The state may legitimately interfere only when parents have clearly violated that trust.

7. Even assuming its constitutionality, which we have noted is doubtful, it has not been proven that regulation is necessary. Of the eleven who have graduated from our school in the last four years, nine went on to various Bible colleges. Two have worked as cooks, another as a bookkeeper in an automobile dealership, another in a bank. One graduate is in the Army and another recently joined the Marines. One who has not yet graduated is now taking evening courses in computer science at Miles Community College.

REASONS FOR PASSING SENATE BILL 331

1. It accomplishes what the proponents of SB 253 say they want to accomplish: Namely, the state can be sure that children are attending a school that teaches those subjects normally considered essential.

2. The state is not given control over the hiring of staff or selection of curriculum in private church schools, and thus is kept from potential constitutional problems.

3. It will be argued that the abuses evident in the recent River of Life Tabernacle case in the northeastern part of the state must be prevented, and surely they must. But people who abuse children physically will not be concerned about any compulsory education law. These people were successfully prosecuted under other, already existing, law.

4. Any private school that fails to live up to the expectations of parents is soon out of business. Parents will not support, either by sending their children or by sending their money, a school that fails to educate.

5. We live in a pluralistic society. It is one of the strengths of our country and should be encouraged. SB 253 restricts pluralism, while SB 331 promotes it.

6. Concerning home education. I am personally very sympathetic. While some have no doubt gotten into home education and found it to be more difficult than they had bargained for, and others have no doubt used it to avoid educating their children at all, many have also proven themselves successful educators. I would like to see some way found to encourage those who have the courage to get involved on a personal and daily basis in their children's education.

7. Finally, our society is essentially free. Freedom always involves risk-- the chance that somebody will abuse it or take advantage of it in some inappropriate way. Nevertheless, we treasure our freedom to keep and bear arms, to attend or not attend church, to speak freely in public on any issue. We need to place the same high value on our freedom to choose the place of our children's education.

CONCLUSION

Please keep the Department of Public Education limited to public education. I urge your support of Senate Bill 331.

(THIS SHEET TO BE USED BY THOSE TESTIFYING ON A BILL.)

Exhibit #19
Feb. 4, 1983

NAME: RON KAUTZMAN DATE: 2/4/83

ADDRESS: 3450 PARKWAY / BUTTE

PHONE: 723-8600

REPRESENTING WHOM? SUMMIT VALLEY CHRISTIAN SCHOOL

APPEARING ON WHICH PROPOSAL: 331

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

~~February~~
Feb. 4, 1983

February 4, 1983

Mr. Chairman and Members of the Senate Education Committee:

Summit Valley Christian School has been in existence 8 years. During that time we have demonstrated the ability to both provide a quality education with an organized accelerated course of study and give parents an alternative to public education. To this point we have controlled ourselves, without any help from the State, and our test records show that we have done an excellent job. At the present time we have students in the 8th grade who have never attended a public school. These students test from 1½ to 3 years above grade level using a national standardized achievement test with 1963 norms - which are much more difficult than present day tests. Our entire school averages 1.5 years above grade level.

From my understanding of the recodification that took place in 1971, it was never intended that the intent of the law be changed. Until 1971 private schools were an accepted alternative to mandatory attendance in public schools. We believe that this is where our church school belongs. We do not take this responsibility lightly, and we will continue to strive to provide a quality education. Our graduation requirements equal or exceed state standards and it is impossible to merely spend time in school and be promoted because there is a required amount of work that must be completed. Unless this requirement is fulfilled the child cannot graduate.

To my knowledge, not one individual has been criticizing the quality of education that established church schools are providing. Even Mr. Al Gunderson said last Fall that the Board of Public Education isn't worried about church affiliated schools. In this day, when so many things are wrong - declining moral standards, rising crime, etc. - let's take a positive step forward and make Montana a leader in education by allowing church schools to freely function and continue to provide the quality education that we have for the past decade.

Thank you for your consideration.

Mr. Ronald L. Kautzman
Summit Valley Christian School
Butte, Montana 59701

Exhibit #15
Feb. 4, 1983

NAME: LEE BARROWS DATE: FEB 4, 83

ADDRESS: 622 CAROL DR., GRT. FALLS, MT. 59405

PHONE: 453-7700

REPRESENTING WHOM? CORNERSTONE CHRISTIAN COMMUNITY

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: SB 331 is the bill that would ensure parental responsibility and rights in educating their children with the freedom guaranteed by the First Amendment of our U.S. Constitution without interference by the government of our state. State and Federal government intervention has proved to diminish, not enhance the quality of education in our public schools and would not be any different if involved in private Church and home school administration. We are not asking the public schools to

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

adopt our standards. We are simply expressing that we cannot adopt their standards.

copy sent 11/10
Feb. 4, 1983

Mr. + Mrs. Patrick Aliperto
3708-2nd Ave. So. St. Falls, Mt.

452-2914

Feb. 3, 1983

Montana State Senate
Education Committee

Gentlemen:

As American citizens we can't believe what we are hearing and reading concerning the schools in Montana. What has happened to the freedom that our country is all about. The state taking over control of all the schools? It sounds like you're talking about another country - how can something like that be going on right here in Montana? We support Senate Bill 331 because we feel it is the parents responsibility to raise and educate their own children, not the states. We don't live in a state controlled society and we pray we never do. Please vote for Senate Bill 331.

Mr. + Mrs. Patrick Aliperto

NAME: Kenneth Wise DATE: 3/

ADDRESS: Box 45 Milltown Mont.

PHONE: 258-6264

REPRESENTING WHOM? Missoula Fourquare Church
and Academy

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

Letter submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit # 14
Feb. 4, 1983

NAME: Russell L. Johnson DATE: Feb. 4, 1983

ADDRESS: 127 Humboldt Loop

PHONE: 442-0123

REPRESENTING WHOM? Seventh-day Adventist Church

APPEARING ON WHICH PROPOSAL: S. B. 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

S. B. 331

Friday, February 4, 1983

Mr. Chairman:
Committee members:

My name is Russell Johnson, Pastor of the Seventh-day Adventist Church. I represent Adventist schools of Montana and Adventist parents involved in home school situations.

Public servants are elected to protect the rights of the citizens. This is a precious American heritage and must not be abused.

I believe this bill protects the rights of Montana's parents and school age young people and does not trample on anyone else's rights. At the same time it allows for quality education. I believe, in fact, that this bil provides what S. B. 253 failed to provide.

It would not be fair to provide home study opportunities only to isolated families (page 2, lines 12 to 14). I believe the transportation provisions need to be clarified.

With this in mind, I favor the passage of this bill.

Exhibit # 18
Feb. 4, 1983

NAME: Naomi Powell

DATE: 2-4-83

ADDRESS: 559 Willow Creek Rd. Corvallis, OR

PHONE: 961-4387

REPRESENTING WHOM? James Academy High School

APPEARING ON WHICH PROPOSAL: S-331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I am a mother and a Grandmother
and others concerned about the welfare of my children
as I have been reading articles relating to
the locking of or padlocking of Christian schools
and other incidents where they were ^{the} ~~the~~ ^{schools} ~~schools~~
It makes you wonder if this really is America
could this be happening in America even
to think ~~we~~ consider to pass laws to
take away the ^{inherently} rights of fathers & mothers
to teach their own children, this our right
our responsibility to rear our children and
bring them up in the ways of the Lord
God gave us America to be free a nation
that was promised to be free if we would keep
his statutes and his laws it seems that our Nation

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

is deteriorating more and more it seems we are not
keeping his statutes and laws as we should.

For some of the reasons we have not is because
we have strayed from the proper Constitution
that was set up by our Forefathers of this
great Nation. Jefferson once was asked when he set up

set up what kind of a Gov did you give us,
he said Constitutional Republic if you can keep

It have we kept it seems we have strayed
from these divine laws & statutes.

we are here today to let our voices be heard
to stay and preserve another of our precious freedoms

that are being taken from us the right to know
God holds men responsible for how they enact

laws upon their fellow men. ^{which have you} ^{responsible for} ^{not}
I pray this day that you will see fit to kill

bad laws that would take our freedoms from us.
Senate Bill 253 and Pass 331

Feb. 4, 1983

NAME: EARL D. HARGIS

BILL NO. SB 331

ADDRESS: N.W. 5431 OLD HWY. 93, FLORENCE, MT. 59833 DATE 2/4/83

WHOM DO YOU REPRESENT: FLORENCE BIBLE CHURCH AND CHRISTIAN ACADEMY

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

SB 331 reclarifies the issue of freedom to exercise one's religious faith and for the state to avoid intrusion into the affairs of the church. Church schools are the outgrowth of a heart-felt conviction before God as parents that we must teach our children in the ways of God. Those of us who hold this conviction and practice this to obey our Lord Jesus Christ, not as a matter of convenience. Failure to exempt church schools from the direct control and intervention by the board of education and/or public educational authorities is to establish a clear conflict of interest as well as to violate the time-honored principles of separation of the church and the state.

Please support SB 331 to make these wonderful distinctions clear in our wonderful state.

NAME: Michael A. MCGOVERN DATE: 2/4/83

ADDRESS: 311 Ben HOGAN DR. MISSOULA

PHONE: 543-5768

REPRESENTING WHOM? FOUR SQUARE GOSPEL CHURCH

APPEARING ON WHICH PROPOSAL: SB - 331

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

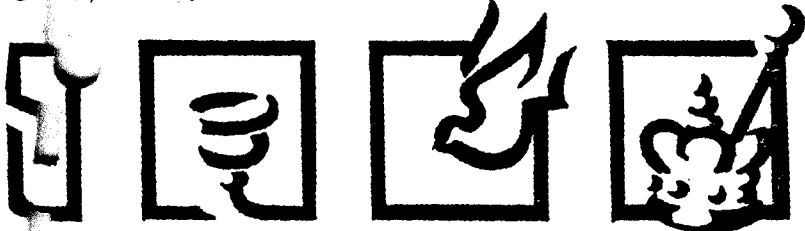
COMMENTS: _____

Letter submitted to the senate committee.

Amendment to my letter would be this: if some sort of supervision is needed to insure that a child gets an education, why not have the Montana association of Church schools insure that this is done, including the supervision of the public schools.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

letter #20
4, 1983



601 North Fourth West
Missoula, Montana 59801
(406) ~~542-0256~~ 721-6884

INSIDE CHAPEL FOURSQUARE CHURCH

February 3, 1983

Mr. Chairman and Members of the Senate,

Before you today is SB-331, an act to revise the compulsory enrollment clause and exempt children attending private, parochial, or church schools, which offer an organized course of study. A course of study that includes mathematics, science, social studies, and language arts, including reading and writing, is a good piece of legislation and worthy of your endorsement.

What this bill does is maximize the freedom for parents to exercise their God-given, inalienable right to train their children in a manner they deem correct, without unneeded state interference.

This bill, I believe, will also reduce the very serious conflict of interest that exists when a tax-supported public education system has say in a competitive and non-tax-supported Christian school. There is too much room for collusion when a public board of education rules over a private concern.

No parent is going to send their child to a church or private school at great additional cost to them if that school is not producing a solid core of education for their child.

This bill provides even the freedom for exempted schools to seek to be controlled by the public education system, if they would desire.

I ask that this committee give its full support to SB-331 and pass it on quickly to the full senate.

Thank you and may God direct your decisions.

Sincerely,

Handwritten signature of Michael A. McGovern in cursive.

Michael A. McGovern
Pastor

MAM/mjm

NAME: Steve Valentine DATE: 2-4-83

ADDRESS: 140 S. 4th

PHONE: 251-4358

REPRESENTING WHOM? Missoula Community Chapel

APPEARING ON WHICH PROPOSAL: S.D. 331

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

COMMENTS: I have turned in a written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

copy
Feb. 4, 1983



Missoula Community Chapel

140 South 4th West, Missoula, Montana 59801 • Phone (406) 721-7804 • Stephen R. Valentine, Pastor

February 3, 1983

Senate Education Committee
Capitol Station
Helena, Montana 59620

RE: Senate Bill 331

Senators,

SB-253 and SB-331 are two bills concerning the quality of education the students in our State are receiving.

SB-253 is endeavoring to insure the quality of education in both the private and public sector by means of state controls and regulations. This is taking away the God-given responsibility of the parents to make sure their children are receiving a quality education and putting it in the hands of the state.

SB-331 allows parents the freedom of choice to place their children in a state-regulated public school or in an unregulated church, private or parochial school depending on where the parents, not the state, believe their children will receive the best education.

I urge you to vote yes on SB-331 and let the parents' freedom of choice on how their children should be educated remain just that . . . freedom of choice.

Sincerely,

Stephen R. Valentine

SRV/cmv

bill #27
2/4/83

(This sheet to be used by those testifying on a bill.)

NAME: John Fried DATE: 2/4/83

ADDRESS: 3816, 7th Ave So. Great Falls, Mont.

PHONE: 452-2733

REPRESENTING WHOM? Emmanuel Christian School

APPEARING ON WHICH PROPOSAL: Sen. Bill 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Religious freedoms must be protected.
I believe this bill will aid in protecting academic
and parental freedoms also. For these three
main reasons, I urge you to support this bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

7.00.11, 1983

Re: Senate Bill 331
Hearing Date:
February 4, 1983

Testimony By:
John Fried
Principal of Emmanuel Christian School
3400 11th Avenue South
Great Falls, Montana 59405

Mr. Chairman and members of the Board, I urge your acceptance and support of Senate Bill No. 331 for the following reasons:

1. Religious freedom is at stake. Biblical faith places authority in the triune God, and in God's inspired and infallible word, the Bible. Every law presupposes a basic authority. We were established, one nation, under God indivisible. Now, law makers are saying "Let us make god in our own image, after our likeness." As a result the humanistic state as the new god is seeking to control every facet of life including the education of our children. To teach is to mold the minds of children. This is why we as Christian Educators are totally committed to the complete education of our children, mental, physical and spiritual. We as Christians maintain our liberties in this area in order to provide the foundations for our faith in God.
2. Academic freedom is at stake. The quality of education provided by private schools is not the issue. The records speak clearly, clouded only by isolated cases in isolated areas with inadequate information. Private school students consistently score higher in achievement testings than their public school counterparts. Academic freedom means that a school or academy is free to establish and propagate its own ideas and tenants. How strong is a society that is afraid of ideas? How strong is a society fearful of challenges? The issue is a social issue. Why do parents find it necessary to withdraw their children from public schools and instate them in private Christian Schools? The answer is simply: drugs, alcholism, sexual abuse, humanism, immorality, permissiveness, overloaded classrooms, apathetic teachers and a low quality of education. We as educators must maintain our academic liberties in order to achieve academic excellence.

3. Parental freedom is at stake. My son, my daughter, my child -- used with pronouns of possession. Children are given by God to parents in order that the parents may jealously guard and provide for that child's welfare. This is an awesome responsibility. Granted, this responsibility is abused by some. But the few may not dictate for the many. In order to provide for our children the finest education available, we as Christian parents are willing to sacrifice a great deal of material wealth to pay tuitions for this academic freedom of choice. Not forgetting that we also as tax payers provide our share of the public school burden. We are committed parents - committed to our Lord, our children, our families, and to an excellence of education we find in the private school sector. We also care. We care enough to keep constant vigilance on our own schools that they not fall below the standards which we have set. We as parents must maintain our parental freedom in order to provide the best educational environment possible for the training of our children.

Our Christian school is an integral part of our church. Our church is an integral part of our lives. We must maintain religious freedom to insure the liberties upon which our nation was established. I again urge you to vote for Senate Bill 331.

Respectively Submitted
John Fried

Established 11-23
Feb 7, 1983

NAME: Ms. Mary Doubek DATE: 2/4/83

ADDRESS: 7645 N. Montana Ave

PHONE: 458-9525

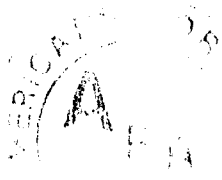
REPRESENTING WHOM? Parents/Children/Friends

APPEARING ON WHICH PROPOSAL: SB331

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

COMMENTS: Back in 1973 when I was organizing a home school, a private Catholic school I examined the book of School Laws of Montana 1971 and looked in the index for the word "Parents" --- It wasn't even listed and if it weren't for the Parents, there would be no children, but I think it does show that parents seem to be left out. Parents are the primary educators of their children and should be regarded as such by all concerned. Please vote for SB 331 which would give parents more recognition & control.
Thank you.

Exhibit # 24
Feb. 11, 1983



January 26, 1983

To: Montana State Senate Education Committee
From: Board of Directors AFA Inc.

On January 13, 1983, the membership of AMERICANS FOR ACTION voted unanimously to continue efforts in defense of the free operation of private schools.

According to an AP story out of Helena, two Democratic Senators, Pat Regan and Chet Blaylock have introduced legislation in the form of Senate Bill 253 which would greatly interfere with this basic and constitutionally guaranteed freedom.

This proposed legislation would require all "non-public schools" in Montana to prove to the Board of Public Education that they are in compliance with the requirements as stipulated in this bill. Some such requirements which we of AFA Inc., believe to be in violation of the basic fundamentals of the Constitution are as follows:

1. All teachers in private schools will be "State certified", and will teach at least one-half of the time in subjects for which they have a college degree.
2. All private school Administrators must be certified teachers.
3. All school records are to be open to a County Superintendents review

In as much as we of AFA Inc., believe that there has not been any significant relationship established between government control of education and the quality of education, and as we further believe that the basic responsibility for a child's education rests with the parents and not the government, we wish to voice our opposition to SB 253, and urge you to resist the passage of this bill.

We wish also to inform you, the members of the Education Committee, that Senator Tom Keating, of Billings, has agreed to sponsor legislation proposed by the Montana Association of Church Schools. This bill, as yet un-numbered, would exempt all private and parochial schools from State control, and, we believe, re-establish the right of parents to oversee the education of their children in the traditions of freedom intended by the documents with which our nation was established.

We therefore inform you, by mandate of our membership as required in the rules governing the operation of AMERICANS FOR ACTION, that we vigorously oppose SB 253, and are in agreement with action to be taken by Senator Keating.

We also at this time wish to remind each of you that ours is a representative form of government, and that each of you has been elected to represent the private citizens of the State of Montana. To properly accomplish this, we ask that you choose that which is the will of the people in the fulfillment of your duties.

Respectfully, we are,
AMERICANS FOR ACTION

For:
The Board of Directors: Therese D. McNeil

Application Form
1/16/4/1976

NAME: ERIK C. FERG DATE: 2-4-83

ADDRESS: BANKHOUSE ROAD

PHONE: (406) 821-3651

REPRESENTING WHOM? DARBY BAPTIST TEMPLE

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Nov 4, 1985

TESTIMONY

TO: the Senate Committee on Education

CONCERNING: Senate Bill #331

BY: Erik Berg
Darby, Montana

INTRODUCTION

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

1. to explain my convictions regarding educational testing of children and the educational authority granted to the State by the Constitution of the State of Montana
2. to urge you to support SB #331, without additional criteria added to the bill, like testing.

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

THE STATE'S AUTHORITY IN EDUCATION

I would like to draw your attention to the educational authority granted to the state by the Constitution of the State of Montana.

Following are some major points from the constitution:

Article II Section 1 ". . . All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

Government is instituted for the "good of the whole." This parallels Romans 13:3, "For rulers are not a terror to good works, but to the evil." Government's responsibility is to spend their time being a "terror . . . to evil," not harassing parents who are bringing up their children "in the nurture and admonition of the Lord." SB #331, as written, seeks to make clear that these parents, and church schools, do not fall within the control of the State.

Article X Section 6 speaks to the prohibition of financial aid to ". . . any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect or denomination."

Please notice that the constitution speaks to the control that a church has over its own ministry. The constitution does not give the State authority over church ministries, such as day schools.

Article X Section 9 (a) "There is a board of public education to exercise general supervision over the public school system. . ."

The constitution does not grant the board of public education authority over private schools, including parental instruction in homes.

In summary, the Montana State Constitution grants authority to the State over public school systems only--not private, parochial, or church schools.

EDUCATIONAL TESTING OF CHILDREN

I would like to draw the committee's attention to a possible amendment that some would wish to add to SB #331. This potential proposal would call for testing of children to determine educational acceptability and subject proficiency. I urge you to not include testing as a provision of this bill. Testing implies the State's authority in determining what constitutes an acceptable education.

Authority to educate children is granted solely to parents by the Word of God (Deuteronomy 6:1-9.) If testing were to be done, let it be done on the basis of performance in life, not on paper.

The Bible speaks of a young man who passed a test based on his performance in life. That young man was Daniel, a prince of Judah, "well favored, and skillfull in all wisdom." Daniel, who was carefully nurtured in the Word of God, was taken captive by the Babylonians, where he showed himself to be superior in all ways. Daniel proved himself based on his ability to thrive on simple vegetables instead of the king's rich fare, which was unclean to God's covenant people. Daniel showed himself to be in better physical and mental shape than the others who had eaten the king's meat, because he trusted in God's abundant provision. His victory demonstrates the effectiveness of performance discerned from an exam based on observance of life. (Daniel 1.)

I urge you to evaluate children based on the evidence shown by a changed life, not by a State-sponsored paper exercise.

* * * * *

I urge you to support Senate Bill #331, without additional amendments or changes. Thank you for your time and patience.

(This sheet to be used by those testifying on a bill.)

dictated 11/28
Feb. 11, 1983

NAME: Sharon Sutton DATE: Feb. 4

ADDRESS: Broadview Mt.

PHONE: 667-4419

REPRESENTING WHOM? Christian Liberty Academy - Broadview

APPEARING ON WHICH PROPOSAL: Senate Bill #321

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

April 11, 1983
L.H. 11, 1983

Mr. Chairman and Committee Members

I am Sharon Sutton from Broadview. I am a teacher in the Christian Liberty Academy in Broadview.

I support Senate Bill # ~~330~~³³¹. I believe that the accountability for private schools must be the basic education of children. How the basic education is carried out, where the education is received and by whom the education is given is not the issue when we are accountable for the basic education of our children.

My husband and I believe it is our God-given responsibility to train our children in obedience to God's law. I would like to carry out that task in all subjects of education in enrolled youth of our fine children in the Christian Liberty Academy of Broadview. The state is now in the process of prosecuting ineptency. The state was not concerned with which cannot pass, Nolan, Polina & Charles Sutton are being educated - they have not even evaluated the curriculum. The truancy charges are based on where the children are being educated and who the teachers are.

To conclude, I would like to say that since the concern of the Public Board of Education is the education of children - let us support a bill that provides for the basic education of children rather than promoting public structures and professional positions.

Thank you.
Sharon Sutton

NAME: Mrs Roxanne Sperleder DATE: 3-4-83

ADDRESS: Box 940, Valies, Maryland 59486

PHONE: 279-3461

REPRESENTING WHOM? Family

APPEARING ON WHICH PROPOSAL: Senate Bill 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I believe the personal and religious freedoms guaranteed by the Constitution are protected by this law. However, it should include specific permission for home study or correspondence study. It should read "private, parochial, home or church school..." I have been involved in both home school and a private school and the quality of education was proven by excellent Achievement Test scores. As a parent, I am ~~am~~ interested in my child's mental, physical, & social development and therefore will insure the school to which I send him is of high quality.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

THIS SHEET TO BE USED BY THOSE REGISTERING ON A...
Admitted 11-28
Feb 4, 1983

NAME: Linda Hadden DATE: 2-4-83

ADDRESS: Star Route, Box 706 Valer, Mt. 59486

PHONE: 279-3326

REPRESENTING WHOM? family

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: _____

To ~~not~~ ^{word} clearly that supervised home study be allowed striking "under the transportation provisions of this title." ^{Section II} Paragraph C = and listing home study under Section II #4.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bill 413
Feb 41 1983

NAME: Justin L. Fulton DATE: 2/4/83

ADDRESS: P.O. Box 506, Darby, MT.

PHONE: 821-3680

REPRESENTING WHOM? Darby Baptist Temple

APPEARING ON WHICH PROPOSAL: SB-331

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 4, 1983
TESTIMONY

TO: Senate Education Committee/SB 331

BY: Pastor Justin L. Fulton, Darby Baptist Temple, Darby, MT

DATE: February 4, 1983

First, I would like to thank you for the privilege of coming before you today to explain my reasons for urging your support of SB 331.

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

I. SCRIPTURAL ORDER OF AUTHORITY

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

from the people..." One reason for SB 331 is that the people of Montana have allowed the public servants (Board of Public Education) to exceed their delegated authority over public educational institutions (Article X) and to extend their authority to include all educational institutions.

II. PROTECTING THE CONSCIENCE OF THE PEOPLE

Governments responsibility to God is clearly expressed in Rom. 13:2-4. The powers are to be consistent with the "ordinance of God." They are to be the "ministers of God." Their purpose is to be a "terror to evil"; "an avenger to execute wrath upon him that doeth evil." The purpose of subjection to the higher powers, therefore, is two-fold: 1) to bring wrath upon evil (evil by God's definition)-clearly church education does not fit God's definition of evil; 2) to have a clear conscience void of rebellion against God's authority. No Christ honoring local church can with clear conscience subject its educational and training program to the dictates and standards (authority) of government, when God has clearly stated that Christ is the Head. When there arises a conflict, because of humanistic men who ignore or usurp God's sovereign position by dictating the curriculum and staff requirements of churches and families, we must say with the Apostle Peter, "We ought to obey God rather than men." Acts 5: 29. SB 331 is a good positive step towards protecting the good conscience of God fearing people.

III. PROTECTING THE PEOPLE FROM TYRANNY

The evils to which you are to be a "terror" are innumerable in Rom. 13:9-10. "Thou shalt not commit adultery;...Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself." SB 331 would help to protect the citizens and churches of Montana from those who would violate two of these commands. For men to seek to usurp the supreme authority of Christ over a church by certifying the staff and prescribing its curriculum; to usurp the privileges, responsibilities, and authority of parents for the training of their children in a godly manner by assuming "state parentage"; to desire my children because of the dollars they are worth to the public school system, is the

height of coveteousness. The citizens of Montana should fully expect that you will protect us from this type of tyranny. No respectable man and certainly no God fearing parent would consider it loving for his neighbour to dictate how he should train his children, and accordingly, relinquish his parentage to that neighbour. Neither would we call it love if our neighbour began to assume "parentage" of our children and began to demand control of their minds. Please protect us from those who consider our children their most valuable resource. God says they are my heritage from him.

IV. IS TESTING A SOLUTION?

As to the question of testing by the state officials, two problems exist. 1) If a state official determines and administers the test, the state is still exercising authority over the churches or individual homes, as the case may be. 2) Testing is only another means, though more subtle, to control curriculum and/or staff. An official of one of Montana's many educational beauracracies stated to a meeting of parents January 31, 1983, that, "...by giving the test they can also manipulate the curriculum." This is true. As anyone trained in the field of education knows, one of the purposes of testing is to find "strengths" and "weakness" in 'curriculum.' This is one reason we do test our students now. No, we are not interested in having our curriculum "manipulated" by state officials, and we cannot permit that authority to be exercised over us by anyone outside of Christ.

Again, SB 331 is a good step in the right direction, and I ask for your vote and support in favor of this bill. Thank-you.

Exhibit #31
Feb. 4, 1983

NAME: Libby Levitt DATE: 2-4-83

ADDRESS: 231 Farview Drive Kalispell Montana

PHONE: 257-1731

REPRESENTING WHOM? New Covenant Christian School

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: Being a student of a Christian
school I know that I am more prepared
to face the future jobwise and otherwise.
I would like for my parents to be
able to maintain their rights over me.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 1157
7/16/41/4163

NAME: Mrs. Virginia Baker DATE: 2-4-83

ADDRESS: Rt. 1 Box 25 Fairfield, MT

PHONE: 467-3135

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

I would like to see the state
explicitly permit home schools,
private tutors, & correspondence
schools that are equivalent to
the local schools - as long as no
state or federal funds are used.
(See statutes of LA, MS, AZ, MO,
CO, NV, OH, OR, VT, VA, WV)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I have been a successful home educator since 1972. My husband and I wanted a Christian education for our children. Since we have lived in several locations, usually in rural areas, and our residence was not near a Christian school of our choice, we chose home schooling for the reasons outlined in my pamphlet, You Ask Me Why? and for continuity in the children's education.

In the beginning, when other schools failed, I taught my own children how to read at least 5 grades above their grade level, by using a program of sequential, intensive, articulated phonics. I devised my own curriculum, although now there are many excellent correspondence courses. I stressed reading, grammar, lots of arithmetic, and history. The children were not isolated from "society" and were involved in music lessons, Little League baseball, church and neighborhood activities, and so on.

Because the children were under my supervision all day long on a one-to-one basis, it was not necessary for me to spend more than 2½ or 3 hours actively teaching. I gave adequate homework assignments every day, which the children could complete either in the afternoons or evenings, whichever pattern they felt more comfortable with, just so they got the work done. Because of the intensity of instruction, I probably averaged no more than 8 months of school per year. Yet, my children still scored higher than average on their academic tests. The details of my curriculum and schedules are given in my manual, Teaching Your Children At Home.

My oldest daughter is now married with three children of her own. My college children had no problems getting into the colleges of their choice. They took the national A.C.T. and scored several points superior to the college-bound students from the State's public schools. And now, my son, after 7 years of home schooling, is a senior at Texas A&M, majoring in science with a 3.3 grade-point average. He hopes to be a veterinarian. My other daughter is in her second year of accounting and music and hopes to be a Certified Public Accountant. She attends the very fine Covenant College at Lookout Mountain, Tennessee, after 9 years of school at home.

All my children have been socially popular with persons of all ages. They are mature, self-reliant, ambitious, and self-assured. They all have adjusted beautifully to life away from home, whether it is in a home of her own, or in dormitories over a thousand miles away.

To say that a home-schooled child cannot function in society is fiction; the home schooled-child has proven to be a strong contributor to society. To say that a parent is neither capable nor qualified to impart knowledge to his own children is pure poppycock! The education of children is not the big mystery the public school officials and members of the public school teachers' union would like for you to believe.

Virginia B. Baker
Mrs. Virginia B. Baker 2-4-83
Route 1, Box 25
Fairfield, Montana 59436

QUESTIONS:

1. Why are the public school teachers' union (NEA) and the Office of Public Instruction so anxious to control non-public education, which is clearly out of their jurisdiction?
2. Once the easily-compelled attendance at some facility or program of the public school has occurred, why are there no statutory obligations of the State to educate (impart knowledge)? Why doesn't the Office of Public Instruction guarantee that every child will learn how to read, for example?

and of the parents who operate them

Many of our readers responded to Gunnar A. Gustaven'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

(Continued from page 4)

tend to be individualistic, law-abiding, concerned about their parent role, dissatisfied with available options in contemporary education, and actively engaged in implementing their own solution. They desire to reestablish the home as the basic unit in a free enterprise society and are willing to confront social opposition in order to meet their personal goals.

The curriculum of home schools was not significantly different from that of conventional schools, another fact that suggests that it is not the courses, but the way those courses are taught, that has a negative impact on the children's moral health as perceived by the participants of the study.

The matter of parent's perception about excessive government control and standardization in public schools presents a challenge to administrators and teachers in public and private schools, reminding them not to become preoccupied with techniques and procedures to the point that they overlook one of the major objectives of education — character education

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)

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 provision in their curriculum for a specific emphasis on home schools and their implications. Furthermore, parents involved in home school activities deserve continuing education services in classes and workshops which such institutions might well provide.

The characterization of home school operators as determined individuals who have thought through their decision would indicate to educators that this movement is very likely to be around for a while, and that it may grow as more reports of successful home school operations become known.

State boards of education should restudy the home schools as a valid method of education. It is recommended that provisions be made for home school to be given experimental school status, with home school students being made part of the local school pupil count. This would encourage home schools to have an equal role to play in the school system.

There are many states that do not have clear-cut compulsory attendance laws, and many parents have had problems with their local school authorities because those authorities do not know the laws or their limitations under those laws. The school authorities interpret their rules and regulations which supposedly are based on the law to include a power over the parent that is not inherent in the law.

Many times the parents are harassed and taken to court by these school authorities on so-called "truancy" charges, only to have the cases dismissed for lack of evidence due to vagueness in the law. Several states have subjected their statutes to judicial scrutiny. In those states the courts have generally been liberal in interpreting compulsory attendance laws to allow attendance at schools in the home, even though it has not been specified in the language of the statutes.

There are also constitutional rights protecting Christian parents whose religious convictions underly their reasons for educating their children at home. What follows may help all parents have a better understanding of their rights.

Texas is one state that may be used as an example. An attorney has written that the compulsory attendance law in Texas states merely that a child between certain ages must go to public school a certain number of days per year unless he or she is "in attendance at a private or parochial school" with a course in good citizenship. There is absolutely no definition of "private school." There is no requirement that such schools be "licensed" or "accredited" in any way. In fact, there are no regulations at all for private schools in Texas, unless they are also day-care centers or similar business facilities open to the public, in which case other, unrelated, laws apply. There are no Texas cases that by any stretch of the imagination apply to what is or is not a private school, or what one should be like.

In Montana the situation is almost the same. A child may be excused from the public school to attend a "private institution," which has absolutely no definition in the statutes. A "school" is statutorily defined as "established and maintained . . . at public expense," but all private "non-schools" are not defined. There is no requirement that such private institutions be licensed or accredited. The only regulations concern a broad description of an instructional program equivalent to that of the public schools. There are no cases that apply to what is or is not a "private institution," or what one should be like. The Attorney General did issue an opinion stating that he thought the home was not a private institution for educating children. According to newspaper reports he said that "his underlying reason for issuing the 1980 opinion was his understanding of 'the importance the legislature recognizes in children's association with others in the educational system' and that the state's educational goals could not possibly be satisfied 'in a system where each home was its own school house.'" Two years later he issued Opinion #68 on an unrelated issue stating: "The state constitution requires laws to be enacted by bills. The statement of intent is not a bill . . . [and] . . . does not have the force and effect of substantive statutes. . . There is nothing . . . that would alter the standard rule for determining legislative intent based upon the plain meaning of the words used in the statute."

Clearly, then, in both Texas and Montana, and perhaps in your state, private home educational alternatives are legal. If the statutes mean otherwise, then they are unconstitutional due to vagueness, and one can't be prosecuted criminally under a statute that reasonable people can't understand. *Ubi jus incertum, ibi nullum* . . . "Where the law is uncertain, there is no law" . . . is so common that the phrase is found in the foreign words section of most dictionaries!

The state does have the power to require that children within the state be educated, but the state does not have the power to direct how, by whom, where, and when. These decisions may be made by the parents and child, and this right is protected under the First and Fourteenth Amendments to the United States Constitution.

Of course, the public school establishment disapproves of home schools and is always seeking to prosecute. Often such cases have never gone high enough in the state court structure to set a precedent. Often home-schooling defendants win in Justice Court (J.P.'s). Sometimes the parents lose in the Justice Court, then give in and send their children to public school. Sometimes they pay a fine, continue their home school, and the school district forgets about them. Occasionally the defendants lose in Justice Court, appeal to County Court, and the case is dismissed there by the District Attorney. In some cases the J.P. declares the compulsory attendance laws unconstitutional due to vagueness and acquits the family. Some families are prosecuted but the prosecutors are unable to provide any evidence at all as to whether the children are or are not in any school--home, accredited, parochial, or otherwise. Therefore the parents win without any defense, a victory well-noted by the public school establishment.

Parents do not have to prove that their children are being educated at home in order to continue a home education program. It is up to the state to prove that the children are not being educated. If the prosecutor cannot show where the child is, he cannot prove the child is not in school somewhere. The prosecutor must bear the burden of proof in a criminal case. He cannot force the parents to give him evidence (such as tests, curriculum, schedules, or attendance records) that could be used by officials to substantiate (frame) a charge. The Fifth Amendment protects persons from being witnesses against themselves.

Many officials on the local level, including bureaucrats, blatantly violate the rights of Christian citizens and they don't even realize it. When confronted by a welfare worker or any other government official or representative asking information about your children, you have a right to have an attorney present. The same thing is true in the matter of forms requesting information, inspections you don't approve of, and search or seizures.

Most Christians are not accustomed to being accused as lawbreakers. Don't let anybody bluff you into giving out information you don't want him to have. Here are two excerpts from *Miranda v. Arizona*: "As a constitutional prerequisite to any questioning, an individual held for interrogation by a law enforcement officer must be warned, in clear and unequivocal terms, that he has a right to remain silent, that any statement he does make may be used against him, and that he has a right to the presence of an attorney, either retained or appointed." Also: "The American accusatory system of criminal justice demands that the government seeking to punish an individual produce the evidence against him by its own independent labors, rather than by the expedient of compelling it from his own mouth."

Parents have the constitutional right to educate their children at home in preference to public education under rights firmly planted in the Bill of Rights. Not only is the federal government prohibited from interfering with the exercise of religion (and we are educating our children at home for religious reasons), but also the states are precluded from abridging this liberty by the due process of law clause of the Fourteenth Amendment, which says: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any persons of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Parents do not have to "win" any right to educate their own children. The question was settled over two hundred years ago and is granted and protected by the Constitution.

It is universally recognized that the claim and exercise of a constitutional right cannot be converted into a crime. Even though home education is a constitutionally protected right, officials would have us believe that educating our children at home is a crime against the state. When the state attempts to deny or infringe upon our right, a situation arises that could well violate Title 18, Sections 241 and 242 of the Criminal Justice Code: "If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution, or laws of the United States . . . they shall be fined not more than \$10,000, or imprisoned not more than ten years, or both." Furthermore, "Whoever, under colour of any law, statute, ordinance, regulation, or custom, wilfully subjects any inhabitants of any state, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States shall be fined not more than \$1,000 or imprisoned not more than one year, or both." An unconstitutional law is void. It imposes no duties, confers no right, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it.

In many states government officials must take an oath to uphold the United States Constitution. Also, no school official or committee has the power to override a right secured by the Constitution. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his own peril and must take the consequences.

Sometimes the state takes the attitude that a parent who is financially dependent on public assistance is not qualified to educate his child at home. In *Rodriguez v. Texas* (411 US 1 1973) the court was very clear to point out that to deprive parents of their rights on the basis of economic status violates the Equal Protection Clause of the Constitution. The courts also cannot establish what is a religion and what is not a religion. The courts cannot favor one religion over another. The courts cannot permit certain beliefs and values to one religion and then deny them to another. The *Yoder* case was not just for the Amish, because if it had been it would discriminate against other religions.

Compulsory attendance laws are unconstitutional by their nature of conflicting with the spirit and intent of the Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." And remember—our children have the same freedoms under the Bill of Rights as their parents, regardless of their age. Children are "persons" within the meaning of the Bill of Rights (*Wisconsin v. Yoder*).

Summing up: According to those parents who have been to court, school officials do not have the power to order your children back to school once the children have been withdrawn by the parents for the purpose of home education. The children cannot be declared "truant" or "habitually absent."

Parents do not have to appear at any school meetings, meet with any school officials, or let any representative of the school in their home for any reason, at any time, unless the parents choose to do so voluntarily. Any "official" order must be from the courts, signed by a judge.

If school officials ask you to submit your qualifications as educators, you have to submit nothing. You are claiming and exercising your constitutional rights to educate your own children as citizens of the United States, not as educators. You can voluntarily show your own high school diploma if you wish, as proof of your competence to master all that the state's professional educators required of you.

Parents do not have to agree to any form of periodic testing for their children. Tests or observations are an integral part of rights pertaining to the constitutional privacy of your home and papers, and are, therefore, protected under the Fourth Amendment.

As one Wisconsin pastor's wife wrote: "I am convinced that being informed and knowing the legal aspects is definitely a factor in favor of the pursued ones. Authorities don't care to tangle nearly so readily with someone who knows something! The District Attorney told our lawyer if this went to court they were afraid we would win, and they didn't want it on their shoulders. The testing mentioned was purely voluntary. It was the court's 'way out' to save face. We are thankful to have it all over and the case dismissed."

We are all working to give our children the best education possible, and our motivation is based on our religious convictions. Others are motivated by the mediocre (at best) performance of the public schools, or the patently dangerous aspects of peer-pressure from artificial (age) peer groups, or lack of discipline, or the wrong kind of discipline and structuring. We are united in our belief that parents, not governments, bear the responsibility of insuring the proper raising of our children.

[For much of the above, we thank Moody Monthly Magazine for information on the *Miranda* decision; Frank Turano, author of *A NEED TO BE FREE* (Modern Media, Provo, UT), who has been through the court process; and private correspondence from attorneys and parents in other states.]

6' of tickets # 522
Feb 4, 1983

NAME: TOM MAHUGH DATE: 2/4/83

ADDRESS: 434 6th Ave. W.

PHONE: 257-9442

REPRESENTING WHOM? New Covenant Fellowship
New Covenant Christian School

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: (See attached sheet)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NEW COVENANT FELLOWSHIP

947 SOUTH MAIN STREET
KALISPELL, MONTANA 59901

PHONE: 1-406-755-0737

PASTORS: MR. HALDEN CURTISS
MR. THOMAS G. MAHUGH

SCHOOL
PRINCIPAL: MR. JAMES H. MILLER

To: Senators Brown, Smith, Elliott, Gage, McCallum, Severson, Berg,
Blaylock, Haffey, and Mazurek

From: Thomas G. Mahugh, Pastor, New Covenant Fellowship

Re: Senate Bill 331

Date: February 4, 1983


Education may be defined as the impartation of values. Religions are primarily concerned with the impartation of value systems. It would then seem blatantly obvious that when one begins to discuss the content, process and personnel of our educational system, the discussion immediately becomes a religious matter.

Of the three major institutions in any society, the church, the state, and the family - the state traditionally has had the least to do with imparting values. It has been the family that has had the primary role in establishing the value system of the children of that family. It has been the church that has been the primary guardian of societal values.

It is of great concern to me having been a public school administrator for seven years, and a Christian school administrator for six years that the state is gradually and subtly becoming the "approver" of value systems and the church and family have been willing to yield to the process.

For sixty-eight years (1903-1971) school law 75-2901 on compulsory attendance was on the books in Montana. The law was changed to its present form through the 1971 recodification process which had no apparent authority to change the original intent. I believe the wording of the opening paragraph of that law is extremely significant: "All parents, guardians, and other persons who have care of children, shall instruct, or cause them to be instructed in reading, . . . etc."

The responsibility always has been the parents' and should continue. I encourage your support of S.B. 331 because it's intent is to preserve the function of the family and church as the guardian of values.



Enrolled 1/28/83
Feb 9, 1983

NAME: Rodney Svec DATE: 2-4-83

ADDRESS: 1300 Eleventh Avenue

PHONE: 449-2087

REPRESENTING WHOM? Office of Public Instruction

APPEARING ON WHICH PROPOSAL: SB 331

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



*Ep. 11.1.7.58
Feb. 4, 1983*

OFFICE OF PUBLIC INSTRUCTION

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

Ed Argenbright
Superintendent

Montana's constitution guarantees equality of educational opportunity for each person in the state.

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

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

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

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

The Office of Public Instruction will examine and comment on each proposed change relative to potential difficulties.

<u>Grade</u>	<u>Montana Test Count Total</u>	<u>Percent of 1981 Total</u>	<u>Ratio Test Count/ Total Montana Count</u>
1	3664	30	3664/12029
2	2244	20	2244/11122
3	5985	54	5985/11170
4	6422	57	6422/11335
5	6931	55	6931/12532
6	6771	56	6771/12193
7	5465	46	5465/11961
8	5953	52	5953/11375
9	1856	16	1856/11621
10	1476	13	1476/11693
11	1930	16	1930/11761
12	833	7	833/11728

ACT SCORES 1978-79, 1979-80, 1980-81 - FIVE TEST DATES EACH YEAR

	ENGLISH		MATH		SOCIAL STUDIES		NATURAL SCIENCES		COMPOSITE		
	M	S.D.	M	S.D.	M	S.D.	M	S.D.	M	S.D.	N STUDENTS
NATIONAL											
1978-79	17.9	5.4	17.5	7.6	17.2	7.2	21.1	6.3	18.6	5.8	78,021*
1979-80	17.9	5.4	17.4	7.6	17.2	7.3	21.1	6.2	18.5	5.8	82,220*
1980-81	17.8	5.4	17.3	7.9	17.2	7.3	21.0	6.1	18.5	5.8	83,576*
MONTANA											
1978-79	18.6	5.0	18.8	7.2	18.5	7.0	22.6	6.1	19.8	5.5	6,010**
1979-80	18.4	5.0	18.5	7.3	18.5	7.0	22.6	5.9	19.6	5.4	6,425**
1980-81	18.1	5.1	18.5	7.6	18.3	7.0	22.4	6.0	19.4	5.5	6,276**

54%

*10% sample of the national population who wrote the ACT
 **N represents approximately one-half of the seniors graduating from Montana schools
 (approximately 12,000+)

	VERBAL		MATH		READING COMP				VOCABULARY				STANDARD WRITTEN ENGLISH		N STUDENTS
	M	S.D.	M	S.D.	M	S.D.	M	S.D.	M	S.D.	M	S.D.	M	S.D.	
1978	429	110	468	118	43.0	11.0	43.0	12.0	42.8	10.8	42.8	10.8	42.8	10.8	989,000+
1979	427	110	467	117	42.7	11.1	42.9	12.0	42.5	10.8	42.5	10.8	42.5	10.8	991,000+
1980	424	110	466	117	42.5	11.1	42.4	11.2	42.4	11.0	42.4	11.0	42.4	11.0	991,000+
1981	424	110	466	117	42.5	11.1	42.4	10.9	42.2	10.8	42.2	10.8	42.2	10.8	994,000+
1978	480	108	525	115	48.0	11.0	48.0	11.6	47.4	9.5	47.4	9.5	47.4	9.5	7,270
1979	475	109	519	114	47.4	11.1	47.7	11.8	46.8	9.6	46.8	9.6	46.8	9.6	7,450
1980	430	111	478	117	43.2	11.2	42.9	11.3	42.9	10.9	42.9	10.9	42.9	10.9	144,646
1981	432	111	480	116	43.3	11.2	43.0	11.0	42.9	10.7	42.9	10.7	42.9	10.7	144,000
1978	493	101	549	112	49.3	10.6	49.3	10.8	48.4	9.1	48.4	9.1	48.4	9.1	943
1979	487	102	541	106	48.6	10.4	49.0	11.1	47.5	8.8	47.5	8.8	47.5	8.8	1,030
1980	488	104	544	113	48.6	11.0	48.6	10.2	48.0	9.0	48.0	9.0	48.0	9.0	927
1981	485	105	539	109	48.7	11.1	47.8	10.2	47.8	9.3	47.8	9.3	47.8	9.3	953***

*Montana, Wyoming, Colorado, Utah

**Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, California, Nevada, Arizona, Alaska & Hawaii

***N = 953 taking the SAT out of approximately 12,000 seniors in Montana schools

Opposition to a testing standard for public schools has mistakenly been taken as the expression of fear that Montana students will not measure up on a national scale. Fear has nothing to do with the opposition. SAT, ACT and achievement test scores indicate that Montana students do extremely well in relationship to students in other parts of the United States.

TEST - IOWA TEST OF BASIC SKILLS

<u>Grade</u>	<u>Pupil Count</u>	<u>Composite Score Percent</u>
1	681	88
2	745	89
3	2609	85
4	3636	82
5	3873	85
6	3760	86
7	2689	76
8	3389	85
9	122	77
10	137	87
11	141	70
12	62	78

SRA ACHIEVEMENT SERIES

<u>Grade</u>	<u>Pupil Count</u>	<u>Composite Score Percent</u>
1	2568	67
2	1165	69
3	2890	64
4	2358	62
5	2521	69
6	2527	69
7	2586	67
8	2416	70
9	1734	67
10	1339	64
11	1789	60
12	771	50

STANFORD ACHIEVEMENT TESTS

1	200	96
2	154	93
3	293	88
4	346	80
5	359	93
6	330	90
7	190	92
8	148	81

COMPREHENSIVE TEST OF BASIC SKILLS

1	225	62
2	180	64
3	193	50
4	82	60
5	178	56
6	154	54

NAME: Richard Travis DATE: 2-4-83

ADDRESS: 316 N. Park

PHONE: 443-1010 ext 343

REPRESENTING WHOM? Mont. Assoc. Co Supts

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb 4, 1983

WITNESS STATEMENT

NAME Harry Stouffuss BILL No. S.B. 331
 ADDRESS Fort Benton Mt. DATE Feb. 4, 1983
 WHOM DO YOU REPRESENT Self
 SUPPORT _____ OPPOSE yes AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

While Senate Bill 331 will allow the non public schools to function as most of the non public school interests here today would like. It does not take fully into consideration the rights of children. The rights to an education that must be above any minimal standards. An education that will nurture these children so they may become the most productive citizens they can be. Senate Bill 331 has no workable process of ~~guarantee~~ ^{guarantee} for those children. I accept the valuable contributions of the non public schools to our great nation and state. The non public schools are here to stay and that is good. I think the broad nature S.B. 331 leaves the door open for abuse of its well meant intent. Abuse not from the people gathered here today, but from those less well meaning who ~~will~~ ^{are sure to} follow.

Address, the home school issue.
 Address, a process to ~~guarantee~~ ^{guarantee} the rights of all children.

Do not pass S.B. 331.
 we are looking for a process.

Harry Stouffuss

NAME: William J. Johnson DATE: 02/04/83

ADDRESS: Star Route Boulder Montana

PHONE: 225-3570

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: SB 331

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I am seeking the right to educate my child in my own home & at my own expense. The Constitution gives me that right and I am here to protect it.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.