

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

February 7, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 7, 1983, at 1:00 p.m. in Room 402, State Capitol.

ROLL CALL: The roll was called with all Senators being present.

SENATE BILLS 253 and 331: The committee discussed both Senate Bill 253 and 331. Senator Brown said he and Senators Elliott and Mazurek had discussed the bills and tried to establish some common ground among them regarding immunization reporting, an organized course of study, and testing. After discussing those areas with Mike Proffitt, Kalispell, Senator Brown had a compromise draft committee bill drawn up (attached exhibit #1).

Discussion continued with Senator Gage stating he felt the proposed bill regulated too much.

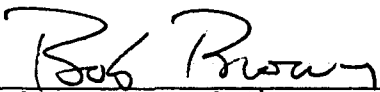
Senator McCallum felt private schools are doing fine but what we do has to be the best for all the children in the state.

Rod Svee, Office of Public Instruction, stated quality of education is not the problem, enforcement is where the grey area lies. He said home schools are the problem. By circumventing several grey areas home schools can exist with practically no regulation.

Senator Brown noted that only 4%-6% of the children in the state attend private schools and the intent is not to trample on a minority but rather to maintain compulsory attendance for all 100% until age 16.

Further discussion ensued with no resultant committee action.

ADJOURN: There being no further business, the meeting adjourned at 2:27 p.m.



Senator Bob Brown, Chairman

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/7/83

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		

EXHIBIT #1
February 7, 1983

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE EXEMPTIONS TO COMPULSORY ENROLLMENT IN PUBLIC SCHOOLS BY PROVIDING THAT A CHILD MAY BE EXEMPT IF ENROLLED IN A PRIVATE, PAROCHIAL, CHURCH, OR HOME SCHOOL THAT KEEPS ATTENDANCE AND IMMUNIZATION RECORDS, PROVIDES AN ORGANIZED COURSE OF STUDY, IS HOUSED IN A FACILITY MEETING FIRE AND HEALTH STANDARDS, AND ADMINISTERS TO STUDENTS AND KEEPS RECORDS ON STANDARDIZED TESTS IT SELECTS; AMENDING SECTION 20-5-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-102, MCA, is amended to read:

"20-5-102. Compulsory enrollment and excuses. (1)

Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111 until the later of the following dates:

(a) the child's 16th birthday;

(b) the date of completion of the work of the 8th grade.

(2) Such parent, guardian, or other person shall enroll the child in the school assigned by the trustees of the

district within the first week of the school term or when he establishes residence in the district unless the child is:

(a) enrolled in a private institution, or a parochial, private, church, or home school which ~~provides instruction in the program prescribed by the board of public education pursuant to 20-7-111~~ complies with the provisions of [section 2];

(b) enrolled in a school of another district or state under any of the tuition provisions of this title;

(c) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;

(d) excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this title;

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

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

(3) The excuse provided for in subsection (2)(d) of this section shall be issued by the district superintendent or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is

denied by the applicable official, an appeal of such decision may be made to the district court of the county within 10 days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

NEW SECTION. Section 2. Nonpublic school requirements for compulsory enrollment exception. To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic school shall:

(a) maintain records on pupil attendance and disease immunization and make such records available to the county superintendent of schools on request;

(b) provide an organized course of study that includes mathematics, science, social studies, and language arts, including reading and writing;

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

(d) select and administer nationally recognized standardized tests to students each year. The school must keep the tests results on file and make them available to the county superintendent of schools on request.

NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 20, chapter 5, part 1, and the provisions of Title 20, chapter 5, part 1 apply to section 2.

-END-

Ed Comm bill/LEE5