

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

February 12, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 12, 1983, at 11:07 a.m. in Room 402, State Capitol.

ROLL CALL: All members were present with the exception of Senator Ed Smith and Senator Roger Elliott who was excused.

DISCUSSION OF SENATE BILLS 253 and 331: Senator Brown presented the committee members with a copy of Grey Bill #3 (exhibit #1) and a synopsis of SB 253, SB 331, and proposed Grey Bill #3 (exhibit #2).

Senator Blaylock expressed his concerns regarding adoption of a committee bill as somewhat unfair to the many people who came and testified on SB 253 and SB 331. He felt the committee could still adopt SB 253 and said he would be willing to bend on it somewhat if it would make it more palatable to the committee.

Doug Kelley, responding to a question stated SB 331 was actually drafted two years ago but was not submitted as a bill until this session. He further noted it was not intended or introduced as a reaction to SB 253.

After further discussion, Senator Blaylock said he would withdraw his objections and go with the grey bill.

Senator Haffey asked Rod Svee, Office of Public Instruction, how much of an expense testing will incur. Mr. Svee replied at present grades 9-12 are given aptitude tests and then only about 60% are tested. Achievement tests are administered to approximately 95% of the children in grades 4-8 yearly. He stated adding achievement tests to grades 9-12 on a yearly basis would be quite expensive. He noted private schools are now required to keep test scores and make them available upon request IF they do testing - they are not required to test. He further pointed out that accreditation standards say private schools can write an alternate standard for testing upon approval by the Board of Public Education.

The committee questioned the 501 (c) IRS provision and Mr. Kelley noted not all church or parochial schools are or want to be classified under 501.

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Senator Berg expressed a concern about being able to regulate groups such as the Church of Unification and River of Life. He also stated a need to have teacher certification issue addressed.

Senator Mazurek stressed the enforcement issue is unresolved.

Committee Counsel Lee Heiman will attempt to draw up another proposal for committee review which will address the aforementioned concerns.

ADJOURN: There being no further business, the meeting adjourned.
at 11:58 a.m.



Senator Bob Brown, Chairman

jdr

Feb 13, 1983

Sen Bill 111

***** Version No. 2 of Feb. 11, 1983 *****

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_____ 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 180 DAYS OF PUPIL INSTRUCTION OR THE EQUIVILANT, 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~~ parochial or church school which ~~provides-instruction-in-the-program-prescribed-by-the-board-of-public-education-pursuant-to-20-7-111~~ is:

(i) affiliated with a religious organization recognized as such by the U.S. Internal Revenue Service under the provisions of section 501(c) of the Internal Revenue Code; and

(ii) in compliance 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-; or

(g) enrolled in a private or home school that complies with the provisions of [section 2].

(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 parochial, church, private, or home school shall:

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

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

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

(4) be housed in a building that complies with ^{applicable} appropriate local health and safety regulations; and

(5) Comply with the annual testing requirements of [section 3].

NEW SECTION. Section 3. Pupil testing. (1) Every elementary and high school in the state must, at least once a year, administer a nationally recognized test to all pupils grade 4 and over attending the school. The office of public instruction shall compile a list of nationally recognized tests applicable for student testing. From this list the school may chose which test it will administer to its students.

(2) Each year the school must transmit an abstract of such test scores to the office of public instruction. The school must keep the results of each test on file for three years.

NEW SECTION. Section 4. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to sections 2 and 3.

-END-

Ed Comm bill/LEE5

1) provides enforcement mechanism that requires the County Superintendent or Superintendent of Public Instruction to approve a private school.

2) approval based upon series of criteria in the new section

- a) approved course of instruction equivalent to that required of public school
- b) 180 days of instruction
- c) must employ teachers and administrators under written contract who are certified to teach in any state or can show evidence of experience
- d) maintain records for attendance, courses completed and achievement

1) provides exemption from compulsory school enrollment if the student is enrolled in a private parochial or church school

- a) such school must provide a course of instruction which includes math, science, social studies and english

Gray Bill #3 (version 2, Feb. 11)

- 1) separates home and private school from church schools
- 2) requires records be kept on attendance and immunization
- 3) 180 days or equivalent of instruction
- 4) provides organized course of study same as SB331
- 5) requires building safety
- 6) includes a testing requirement for all students