

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

February 14, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 14, 1983, at 12:37 p.m. in Room 402, State Capitol.

ROLL CALL: All members were present, however, during the course of the meeting committee members left at various times to present bills before other committees. The minutes will reflect their absences during certain votes.

SENATE BILLS 253 and 331: The committee considered the February 14 version of the committee draft bill (exhibit #1).

Senator Elliott moved the February 14 draft DO PASS.

In discussion it was noted the major differences in this draft are:

- 1) alternative standards in accreditation can be applied to home schools
- 2) testing requirement is revised, and
- 3) the IRS 501 (c) requirement is deleted from the earlier draft.

Senator Brown moved to amend page 4, section 2(1)(c) by deleting the current language and inserting "provide an organized course of study in keeping with the course presently prescribed by the Board of Public Education".

It was noted by Senator Mazurek that if the standards changed in the future, some decisions would be tied to these standards regardless of the changes. After further discussion, Senator Brown withdrew his motion.

Senator Mazurek moved to amend page 4, Section 2(1)(c) to read "provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to 20-7-111, MCA". The motion carried with Senators Elliott, Gage and Severson voting no and Senators Blaylock and McCallum absent.

Senator Brown moved to amend page 4, Section 3(1) following "recognized" by inserting "scholastic achievement".

Senator Elliott moved to retain Section 3 (testing provision) in the bill. On a voice vote several Senators voted no.

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After clarifying the motion as voting on the question of whether to retain a testing provision in the draft (not specifically Section 3) the Committee agreed to that intent.

Senator Mazurek asked Rod Svee what fiscal effect the testing requirement as set forth in Section 3 would be. Mr. Svee stated if you test all four grades in high school on an achievement basis the cost would run approximately \$40,000 - \$120,000.

Some concern was expressed as to whether testing is going to be done to determine how well public or private schools are doing. Senator Haffey stated testing is needed to determine how private schools are doing their job and the way to do that is to test the product.

After further discussion of the testing provision Doug Kelley said he would be happy with the draft if the testing provision was left out.

Senator Smith moved to drop Section 3 from the draft bill. With Senator Elliott voting no, the motion carried.

Senator Berg moved to amend page 3, Section 1(2)(g) by striking (2) in "(section 2(2))" and on page 4, Section 2 by striking subsection (2)(e). The motion carried with Senator McCallum voting no and Senator Blaylock absent.

Senator Haffey moved to amend the draft to reflect Section 2(1 (a)(b)(d)) to apply to home schools. The motion carried with Senator Blaylock absent.

Senator Berg moved to add a requirement for certified teachers to the home school provision. The motion failed with Senators Elliott and Berg voting yes.

Senator Elliott moved the draft DO PASS AS AMENDED. The motion carried unanimously.

ADJOURN: There being no further business, the meeting adjourned at 2:29 p.m.



Senator Bob Brown, Chairman

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VERSION OF FEBRUARY 14, 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 PAROCHIAL, OR CHURCH SCHOOL THAT KEEPS ATTENDANCE AND IMMUNIZATION RECORDS, PROVIDES 180 DAYS OF PUPIL INSTRUCTION OR THE EQUIVALENT, 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; PROVIDING THAT FOR SUCH EXEMPTION FOR PUPILS IN PRIVATE OR HOME SCHOOLS THAT NOTIFICATION BE MADE TO SCHOOL AUTHORITIES AND AN APPROVED COURSE OF INSTRUCTION BE TAUGHT; 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

(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(2)]. For the purposes of this subsection (g), a home school is the instruction by a parent of his child, stepchild, or ward in their residence.

(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. (1) To qualify its students for exemption from compulsory enrollment under 20-5-102, a parochial or church school shall:

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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 affiliated with a religious organization with sincerely held religious beliefs and the school is in compliance with the provisions of [section 2(1)];

(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;

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

^{nothing} (b) provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and 20-1-302;

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

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

(e) comply with the testing requirements of [section 3].

(2) To qualify its students for exemption from compulsory enrollment under 20-5-102, a private or home school shall:

(a) notify the county superintendent of schools of the child's attendance at the school; and

(b) provide a course prescribed by the board of public instruction pursuant to 20-7-111.

NEW SECTION. Section 3. Student testing. (1) Every elementary and high school in the state must, at least four times, administer a nationally recognized test to each class of students during the class's passage from grade 1 through 12. 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.

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(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.

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Ed Comm bill/LEE5