

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 18, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Ted Schye, Chairman (D)
Ervin Davis, Vice-Chairman (D)
Steve Benedict (R)
Ernest Bergsagel (R)
Robert Clark (R)
Vicki Cocchiarella (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Gary Forrester (D)
Floyd "Bob" Gervais (D)
H.S. "Sonny" Hanson (R)
Dan Harrington (D)
Tom Kilpatrick (D)
Bea McCarthy (D)
Scott McCulloch (D)
Richard Simpkins (R)
Barry "Spook" Stang (D)
Norm Wallin (R)
Diana Wyatt (D)

Members Excused: Rep. "Fritz" Daily (D)

Staff Present: Andrea Merrill, Legislative Council
Dianne McKittrick, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON HB 582

Motion/Vote: REP. STANG moved HB 582 BE TABLED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 343

Motion: REP. DAVIS moved HB 343 DO PASS.

Discussion: REP. SIMPKINS said HB 343 shifts funding from the local districts to the state. This may be good for the local taxpayer but means more money from the state going into the guaranteed tax base.

REP. WALLIN asked CHAIRMAN SCHYE how many eastern districts don't use the permissive levy. CHAIRMAN SCHYE answered the vast majority use the permissive levies. REP. WALLIN said monies going into the fund would lower the amount in the permissive levy primarily affecting the eastern part of Montana. CHAIRMAN SCHYE said that is probably accurate.

Vote: Motion CARRIED upon Roll Call Vote 11 aye, 8 no. EXHIBIT 1.

EXECUTIVE ACTION ON HB 462

Motion: REP. DAVIS moved HB 462 DO PASS.

Motion/Vote: REP. DAVIS moved the STATEMENT OF INTENT. EXHIBIT 2 Motion CARRIED unanimously.

Motion: REP. DAVIS moved the amendments to HB 462. EXHIBIT 3 He said the proposed amendments will save financial crunches in many of the smaller schools since the process will be gradual beginning FY92 through FY96.

Discussion: REP. SIMPKINS asked Andrea Merrill if this legislation conflict with the law granting rule-making and policy making authority of ANB calculations to the State Board of Public Education. Ms. Merrill answered there is no rule that grants rule-making authority for administration of school finances to the Board of Public Education. Authority is specifically granted in 20-9-102 to the Superintendent of Public Instruction.

CHAIRMAN SCHYE said HB 462 is very similar to legislation passed in 1987 which was eliminated in 1989 by HB 28.

Vote: Motion to adopt amendments CARRIED unanimously.

Motion/Vote: REP. DAVIS made the substitute motion that HB 462 DO PASS AS AMENDED. Motion CARRIED unanimously.

HEARING ON HB 533

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAN HARRINGTON, House District 68, Butte, said the Home School Assessment Bill proposed by the Montana School Boards Association would require that home schooled children be assessed by their resident public school districts. This would follow the same assessment of the district's own students pursuant to Board of Public Education rules. Currently the rules require assessment at grades 3, 8 and 11. Results will be filed with the school district and county superintendents, parents and guardians. The purpose is to identify problems and allow voluntary corrective measures.

REP. HARRINGTON said there is no current enforcement mechanism because it is an assumption that everyone wants good education

for Montana's children. This legislation would also allow school districts to have a better understanding of the home school students' educational level since many eventually re-enter the public school system. The law would require coordination by the county superintendent and the school districts to notify the home school parents of the place and time of assessment. The details would be worked out locally so not to be burdensome to the parents and children. HB 533 is simple, straightforward and is not aimed at putting home schools out of existence. It does not limit individual freedom but will identify problems. The Constitution guarantees a quality education for all Montana children.

Proponents' Testimony:

Dr. Claudette Morton, Dillon, presented written testimony.
EXHIBIT 4

Bob Anderson, Montana School Boards Association, (MSBA),
presented written testimony. EXHIBIT 5

Dr. Thomas D. Carlin, Psychologist and Counselor, School District 1, Helena, said he has been an educator for 23 years as well as an advocate for all children, whether involved in public, private or home school education. There needs to be an increased collaboration between public, private, and home school education developing a partnership role with the different entities. The norm reference tests are valid instruments with all children and are valuable tools to be used to the benefit of the children, parents and teachers. If a child is found to be in need of either remediation or enrichment the partnership between public and home education can be facilitated. The majority of students in home based education do return to public education. There needs to be a confidential cumulative record over a period of years to track the students so they can be placed in appropriate programs addressing individual needs.

David Weld, Principal, Linderman School, Polson, said current home school law in Montana provides a convenient "out" for parents who do not wish to be responsible. There are good home schools but there needs to be a way to control the ones that are not so good. The testing provision in HB 533 ensures a valuable control mechanism.

Jesse Long, School Administrators of Montana, (SAM), said home schools should meet accreditation standards as currently outlined by the State Board of Public Education. The children should also be educated by certified teachers. Administrators continue to be frustrated by home schoolers being home 3-5 years and then returning to the public school. HB 533 is reasonable, responsible legislation speaking to the testing of those students as they return to the public school system.

Kathy Seacat, Montana PTA, presented written testimony. EXHIBIT

Kay McKenna, Montana Association of County School Superintendents, (MACSS), said everyone wants an equal education for all Montana children. In many counties in Montana there are one or two home schools, in others 50 or 60, and in others 200. Each county superintendent has a different feel for home school in their county. There has been an ongoing argument between the public and home school system for a very long time. The weakness is there has been nobody to report to, so home schoolers have not had to report the maintenance of records of pupil attendance or provide an organized course of study. **Ms. McKenna** said one remedy would be for all home schoolers to report to their county superintendent.

George Bailey, Superintendent, Broadus Public Schools, said he is in favor of good home schools and HB 533 provides for a partnership between public schools and home schools. The public schools would know the level the students are at academically if and when they re-enter the system.

Dave Lloyd, Superintendent, Forsyth, said public schools welcome achievement tests as a means of determining the education levels of students. The school system can address and remediate if necessary. The testing also provides a measurement of the child's progress and is therefore a factor in the decision of retaining or passing the students. As educators this information is necessary when determining grade placement upon admission and without it schools have only the parents subjective desires as to the placement or the chronological age of the child. **Mr. Lloyd** said as a Montana educator with 25 years experience he has seen two bad home schools for every good one. There must be a method of testing to bridge the gap between home school and public school to attain educational consistency.

Opponents' Testimony:

Kent Gilge, Chairman, Montana Coalition of Home Educators, presented written testimony. EXHIBIT 7

Michael Farris, President, National Center for Home Education, presented written testimony. EXHIBIT 8

Brian Asay, Montana Coalition of Home Educators, presented written testimony. EXHIBITS 9, 10

Linda Collins, Executive Member, Montana Coalition of Home Educators, Gardiner, presented written testimony. EXHIBIT 11

Brian D. Ray, Ph.D., Science Education, President, Home Education Research Institute, presented written testimony. EXHIBITS 12, 13

Julie Bullard, Director, Early Childhood Education Department, Western Montana College, presented written testimony. EXHIBIT 14

Steve White, Member, Executive Committee, Montana Coalition of Home Educators, presented written testimony. EXHIBIT 15

Danita Hane, Member, Executive Committee, Montana Coalition of Home Educators, Editor of The Grapevine, presented written testimony. EXHIBIT 16

REP. NORM WALLIN, House District 78, Bozeman, said many students are not prepared for life because they can neither read or write following public school education.

Mike Gerber, Montana Coalition of Home Educators, Billings, presented written testimony. EXHIBIT 17

Claire Baiz, Home Educator, Great Falls, presented written testimony. EXHIBIT 18

Ann Koopman, Home Educator, Bozeman, presented written testimony. EXHIBIT 19

Roger Koopman, Home Educator, Bozeman, presented written testimony. EXHIBIT 20

Dorothy Starshine, Helena, presented written testimony. EXHIBIT 21

Roxie Sporleder, Home Educator, Great Falls, presented written testimony. EXHIBIT 22

Debbie Hitt, Home Educator, Havre, presented written testimony. EXHIBIT 23

Erin Brown, Home Educator, Ravalli County, presented written testimony. EXHIBIT 24

Patricia Elias, Home Educator, Whitehall, presented written testimony. EXHIBIT 25

Penny Wickenberg, Home Educator, presented written testimony. EXHIBIT 26

Bill Koss, Home Educator, Billings, presented written testimony. EXHIBIT 27

Dan Brimhall, Home Educator, East Helena, presented written testimony. EXHIBIT 28

Eileen Guthrie, Home Educator, Bozeman, presented written testimony. EXHIBIT 29

Dr. Gary Blom, Home Educator, Helena, presented written testimony. EXHIBIT 30

Rich Jarvis, Helena, presented written testimony. EXHIBIT 31

Dianne Snider, Home Educator, Forsyth, presented written testimony. EXHIBIT 32

Jonathan Martin, Home Educator, Great Falls, presented written testimony. EXHIBIT 33

Cindy Peck, Home Educator, Dillon, presented written testimony. EXHIBIT 34

Ruth Botty, Home Educator, Victor, presented written testimony. EXHIBIT 35

Vicky Locke, Home Educator, presented written testimony. EXHIBIT 36

Rebecca Lee, Home Educator, Belt, presented written testimony. EXHIBIT 37

Earleen Lloyd, Home Educator, Boulder, presented written testimony. EXHIBIT 38

Charlene Howard, Home Educator, Helena, presented written testimony. EXHIBIT 39

Ron Baar, Home Educator, Manhattan, presented written testimony. EXHIBIT 40

William Johnson, Home Educator, Boulder, presented written testimony. EXHIBIT 41

John Barbagello, Home Educator, Helena, presented written testimony. EXHIBIT 42

Allison Nistler, Representing the Joe Nistler Family, Helena, presented written testimony. EXHIBIT 43

Bo Stuart, Clancy stated opposition to HB 533.

George Prudden, Home Educator, Helena, presented written testimony. EXHIBIT 44

Don Harland, Plains presented written testimony. EXHIBIT 45

Robin Collins, Gardiner, presented written testimony. EXHIBIT 46

Dennis Irion, Billings, presented written testimony. EXHIBIT 47

Patty Baer, Billings, presented written testimony. EXHIBIT 48

Russ Wahl, Cut Bank, presented written testimony. EXHIBIT 49

Gary Kirkberg, Helena, presented written testimony. EXHIBIT 50

Diana Marshall, Helena, presented written testimony. EXHIBIT 51

Roger Scheidler, Conrad, presented written testimony. EXHIBIT 52

Yvonne Coopmans, Bozeman, presented written testimony. EXHIBIT 53

Juliette Bouma, Augusta, presented written testimony. EXHIBIT 54

Carl Anderson, MD., Plains, presented written testimony. EXHIBIT 55

Karen Webb, Helena, presented written testimony. EXHIBIT 56

Submitted written testimony given to secretary. EXHIBITS 57-69

Questions From Committee Members:

REP. ELLIS asked Dr. Carlin if he had absolute faith in the standardized tests. Dr. Carlin answered yes. REP. ELLIS said he had been frustrated as a long-time school board member with the standardized tests indicating kids are not as well educated today as they were twenty years ago in math, reading, science and geography. Dr. Carlin said he did not agree with that assessment.

REP. BENEDICT asked Dr. Morton if there are any comprehensive or reliable studies indicating home schoolers score lower than their public school counterparts. Dr. Morton answered she knew of none. REP. BENEDICT said it is his understanding that one reason the State Board of Public Education instituted the new accreditation standards is because smaller and more intimate learning settings are more conducive to learning. As a result, students receive more individual attention. The home school setting meets that criteria. Dr. Morton responded the accreditation standards do contain a small change in the first three grades class sizes with the idea that students do get a better start by being in a smaller group. Montana's rural schools do very well where there is almost individualized attention.

REP. SIMPKINS asked Dr. Carlin if developing a partnership means allowing home school parents to send their children to public school to participate in various programs such as music and sports. Dr. Carlin said he wasn't addressing those areas in his previous testimony.

REP. SIMPKINS asked Bob Anderson to explain the statement on page 2 of his testimony stating, "there will be a lot of smoke that the opponents will create to kill or amend to death this bill, these people do not care about student rights, they only care about their rights as parents". Mr. Anderson said the students most affected by HB 533 would be those whose parents are not in attendance today. There are approximately 1500 home schooled students and a number aren't receiving the opportunity for an adequate education.

REP. SIMPKINS said the Constitution states very clearly in paragraph one, "equality of educational opportunity is guaranteed to each person of the state". Montana has yet to define a quality education although in paragraph three it states all are entitled to an educational opportunity for a quality education. He asked **Bob Anderson** why the home schooled student is not part of the quality education system. **Mr. Anderson** said a student who goes through the home school system and suddenly wants to enter college only needs a GED to do so. The public school student must have followed the course recommended by the Board of Regents and also have a diploma. If the home schooled student did not receive an adequate education it is possible they could come back to the state and say they were denied an equal opportunity under the Constitution because their parents decided they were going to home school. The Constitution is very clear in that equality of educational opportunity is guaranteed to each person in Montana. Each and every person is entitled to that right.

REP. SIMPKINS asked **Bryan Asay** how much it costs to have the Iowa Basics graded and returned. **Mr. Asay** deferred to **Michael Farris** who answered the materials cost approximately \$6, but the actual testing costs between \$25-\$100, depending on the number of days of testing. It would take a 1/2 time person to sit down and talk about results with the families. The Fiscal Note does not reflect an accurate cost with a \$2 per student charge.

REP. BENEDICT asked **Michael Farris** in the states where home school testing is not required if home schoolers have difficulty getting into and doing well in college. **Michael Farris** said research shows they are not having trouble getting into college and in fact universities and colleges are seeking out home school students. The unregulated states possess a slight advantage in certain test areas, pointing out that freedom apparently works better than regulation.

REP. GERVAIS asked **Russ Wahl** if he lives on the Blackfoot Indian Reservation. **Mr. Wahl** said yes. **REP. GERVAIS** said Native Americans today are asking to be tested and are in fact asking the Legislature for money to track them so they can get into the universities. They had previously resisted much the same as the home schools are doing now.

REP. ELLIS asked **Bob Anderson** if he was aware of any college sponsored tests showing home schoolers are not performing up to the norm and if so please cite those examples. **Mr. Anderson** said no, but presently there is no system to find out how home school students are doing. The students merely report but do not show data as to where they are academically. **REP. ELLIS** asked if accountability is more important than results. **Mr. Anderson** answered accountability and results are the same thing.

REP. STANG said he feels confident the home schoolers in his district do a good job. As a Legislator he took an oath to uphold the Constitution of the State of Montana. He asked

Michael Farris if he felt there would be a great deal of litigation if the students are not tested and sue the state later. Mr. Farris said he has been doing home school litigation for ten years and there hasn't been one case where a home school student has sued a district under such a theory.

REP. MCCULLOCH asked Mr. Farris if he would be in favor of testing done by the parents in the home as is the case in Rhode Island. Mr. Farris said he would rather not have such a bill at all. The fact is, such a law in Montana is unnecessary because things are already working very well.

REP. MCCULLOCH asked Kent Gilge if most home school children do return to public education in Montana. Mr. Gilge said he has no figures to that effect. The majority of home schooling parents have little or no intention of returning the students to the public school.

REP. BENEDICT asked Bob Anderson if school districts lose the ANB money if the child is schooled at home. Mr. Anderson said yes.

CHAIRMAN SCHYE asked Mr. Anderson if Montana's home school laws are lenient or strict. Mr. Anderson answered they are the most lenient in the nation.

Closing by Sponsor:

REP. HARRINGTON said HB 533 would not change the fact home school laws are very lenient in Montana. Laws are passed to correct abuses. These students do re-enter the K-12 arena at some time and must be prepared to do so. This bill does not argue the merits of home school vs. the public school system. Yes, the world can be a very hostile place and all students no matter where schooled are sensitive to testing. Shielding these students from some of the hostility will neither protect nor enhance them. REP. HARRINGTON said he has always fought for the individual rights of people to do what they wish under the Constitution. However, there are times when individual rights are not in the best interest of all.

HEARING ON HB 715

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RAY PECK, House District 15, Havre, introduced Kathy Fabiano of the Office of Public Instruction to explain HB 715.

Proponents' Testimony:

Kathy Fabiano, Office of Public Instruction, (OPI), said HB 715 was requested by the OPI that has for the past year and a half been in the districts helping to implement Generally Accepted Accounting Principles (GAAP). HB 715 amends and corrects many

sections of current statute that are contrary to generally accepted principles or are outdated and unclear.

Kay McKenna, Montana Association of County School Superintendents, (MACSS), stated support especially concerning the establishment of self-insurance funds and Special Education Co-op retirement monies.

Opponents' Testimony: None

Questions From Committee Members:

REP. BENEDICT asked Kathy Fabiano for clarification on page 13, line 19, stating the amount budgeted may not over time exceed 100% of the original cost of a bus or two-way radio. If a district bought a two-way radio five years ago and needs to buy another, is it limited to spend only the original cost? Ms. Fabiano replied the amendment does not prevent a district from spending more but does prevent them from over time depreciating that radio for more than 100% of its cost. REP. BENEDICT asked Ms. Fabiano if the district can put the original cost amount of the equipment in the reserve account. Ms. Fabiana answered yes.

Closing by Sponsor:

REP. PECK said regarding the trade value of a bus, if you accumulate 100% of the purchase price plus the trade value you are fairly close to the new value. HB 715 is a faith bill. The accountants were directed last session with regard to HB 28 to apply Generally Accepted Accounting Principles to school law in order to obtain better data.

HEARING ON HB 694

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE HOWARD TOOLE, House District 60, Missoula, said HB 694 is somewhat radical in concept and proposes to extend the school year to 220 days. The 220 day year would be phased in by adding 10 days per year beginning in 1992-93. There is documentation that in countries where students spend more time in the classroom there is greater competency in several areas such as math and science. American competitiveness is at stake and there is truly reason to be worried and concerned over the future. The countries that seem to have the momentum are countries other than ours. The problem we face in competitiveness could become a crisis if we don't realize these other countries are educating their kids more thoroughly.

EXHIBIT 69A

Proponents' Testimony:

Jesse Long, School Administrators of Montana, (SAM), stated support.

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Kay McKenna, Montana Association of County School Superintendents, (MACSS), stated support.

Opponents' Testimony: None

Questions From Committee Members:

REP. BENEDICT asked REP. TOOLE if there is definite correlation between the length of the school year and quality of education. REP. TOOLE said yes. Japan, with the longest school year, is consistently at the top and West Germany also finishes consistently high. The concept deserves further study and the correlation will never be 100%. Students need more time for better retention of materials previously learned, as well as finishing textbooks.

Closing by Sponsor:

REP. TOOLE suggested the committee read the article provided. It is very persuasive. He thanked the committee and urged favorable consideration of the bill.

HEARING ON HJR 35

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BEA MCCARTHY, House District 66, Anaconda, said HJR 35 is a joint resolution urging the units of the university system and the private colleges that offer a degree in education to offer a course in health education including instruction regarding Acquired Immune Deficiency Syndrome, (AIDS). This resolution does not mandate but encourages.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members:

REP. BENEDICT said Commissioner Hutchinson stated most of the units of the university system are currently doing this. REP. MCCARTHY answered, most but not all. HJR would simply encourage that all put AIDS education into their programs.

Closing by Sponsor:

REP. MCCARTHY thanked the committee and said this is worthwhile legislation worthy of favorable consideration.

EXECUTIVE ACTION ON HJR 35

Motion/Vote: REP. STANG moved HJR 35 DO PASS. Motion CARRIED unanimously.

Motion/Vote: REP. STANG moved to place HJR 35 on the Consent Calendar. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 715

Motion: REP. STANG moved HB 715 DO PASS.

Motion/Vote: REP. KILPATRICK moved the amendments to HB 715. Motion CARRIED unanimously.

Motion/Vote: REP. BENEDICT moved an amendment to strike 100% on page 13, line 20 and inserting 150%. Motion CARRIED unanimously.

Vote: REP. STANG moved HB 715 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 694

Motion: REP. STANG moved TO TABLE HB 694.

Discussion: The committee discussed the idea of a resolution for an interim study. CHAIRMAN SCHYE said a study resolution can be introduced at any time up until the last day of session. The committee decided to debate the issue again after the 45th legislative day.

Vote: Motion CARRIED upon voice vote with REP. WYATT voting no.

EXECUTIVE ACTION ON HB 589

Motion/Vote: REP. MCCULLOCH moved HB 589 DO PASS. Motion CARRIED upon voice vote with REP. CLARK voting no.

EXECUTIVE ACTION ON HB 322

Motion: REP. SIMPKINS moved HB 322 DO PASS.

Discussion: REP. SIMPKINS moved and explained amendments to HB 322. EXHIBIT 70 REP. HARRINGTON said he opposed the bill. There are serious problems with this legislation and if the present system is not broken let's not change it.

Vote: Motion on the amendments CARRIED upon voice vote unanimously.

Motion/Vote: REP. SIMPKINS moved HB 322 DO PASS AS AMENDED. Motion FAILED upon Roll Call Vote 9 aye, 11 no. EXHIBIT 71

Motion/Vote: REP. STANG then made a substitute motion TO TABLE HB 322. REP. SIMPKINS recommended a reversal of the Roll Call Vote. EXHIBIT 71 HB 322 was TABLED 11 aye, 9 no.

EXECUTIVE ACTION ON HB 540

Motion: REP. SIMPKINS moved HB 540 DO PASS.

Motion: REP. SIMPKINS moved and explained amendments to HB 540.
EXHIBIT 72

Discussion: REP. HARRINGTON said he opposed the bill and the amendments.

REP. BENEDICT stated support.

Vote: Motion on the amendments CARRIED upon voice vote unanimously.

Motion/Vote: REP. SIMPKINS made a substitute motion HB 540 DO PASS AS AMENDED. Motion FAILED upon Roll Call Vote 8 aye, 12 no.
EXHIBIT 73

Motion/Vote: REP. STANG made a substitute motion TO TABLE HB 540. REP. SIMPKINS recommended a reversal of the Roll Call Vote.
EXHIBIT 73 HB 540 was TABLED 12 aye, 8 no.

EXECUTIVE ACTION ON HB 470

Motion: REP. MCCARTHY moved HB 470 DO PASS.

Motion/Vote: REP. MCCARTHY moved and explained the amendments to HB 470. EXHIBIT 74 Motion CARRIED upon voice vote with REPS. BENEDICT and CLARK voting no.

Motion/Vote: REP. MCCARTHY made a substitute motion HB 470 DO PASS AS AMENDED. Motion CARRIED upon Roll Call Vote 14 aye, 6 no. EXHIBIT 75

EXECUTIVE ACTION ON HB 415

Motion: REP. STANG moved HB 415 DO PASS.

Discussion: CHAIRMAN SCHYE said if HB 415 passed committee it would go to the Appropriations Committee.

REP. BENEDICT said HB 415 provides special treatment for a select few. The inequities in the State Pay Plan need to be addressed comprehensively.

REP. BERGSAGEL asked REP. FORRESTER if the Pay Plan Committee is dealing with issue. REP. FORRESTER answered the Pay Plan Committee is dealing with this issue and said he will oppose HB 415 for that reason.

REP. HARRINGTON said these people are teachers and compared to other teachers even in the community they take a terrible beating when it comes to pay. There are valuable people in this group. The people in the institutions that are under the State Pay Plan are very qualified and valuable and they get short changed.

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REP. WYATT said it may be a legitimate argument to say they shouldn't be separated from the State Pay Plan, but unfortunately the realization of people serving these two schools have been they are either institutions or schools depending on where the money was in the State of Montana. This group of people fall in a hole no matter what happens to them. It is a catch 22. They are schools when there is no money for schools and state employees when there is no money for state employees. They have had to go to court in the past to get their annual leave and vacation pay.

REP. COCCHIARELLA said these people are in their own separate pay plan to start with. They are just asking for a different approach to the funding of their pay. They are not an exemption.

REP. SIMPKINS said asked if these schools could create their own school districts. CHAIRMAN SCHYE said no since with an institution there would not be any taxable property.

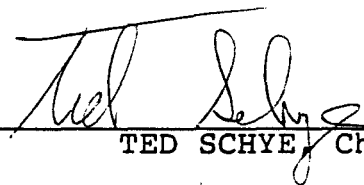
Vote: Motion that HB 415 DO PASS CARRIED upon Roll Call Vote 11 aye, 9 no. EXHIBIT 76

EXECUTIVE ACTION ON HB 407

Motion/Vote: REP. STANG moved HB 407 DO PASS. Motion CARRIED upon voice vote 15 aye, 5 no with REPS. BENEDICT, BERGSAGEL, CLARK, FELAND, AND SIMPKINS voting no.

ADJOURNMENT

Adjournment: 6:30 p.m.



TED SCHYE, Chair



DIANNE MCKITTRICK, Secretary

TS/dmck

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HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-18-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY			✓
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 462 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 4.
Following: "REVISE"
Insert: "AND TO PHASE IN"

2. Title, line 3.
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

3. Page 1, line 9.
Insert: " STATEMENT OF INTENT

A statement of intent is necessary for this bill to clarify that the superintendent of public instruction shall promulgate rules that prescribe procedures for the aggregation of the average number belonging of pupils in school districts for foundation program purposes. The authority for rulemaking to secure compliance with school budgeting laws is granted the superintendent of public instruction in 20-9-102 and 20-9-201. The rules must address the various circumstances concerning location of school districts and the schools within those districts."

4. Page 4, lines 19 and 20.
Following: line 18
Strike: lines 19 and 20 in their entirety
Insert: "is applicable during school fiscal years 1992 through 1996 in the following manner:
(1) one-fifth of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1992;
(2) two-fifths of the reduction in the foundation program

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schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1993;

(3) three-fifths of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1994;

(4) four-fifths of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1995;

(5) 100% of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1996."

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Mr. Speaker: We, the committee on Education and Cultural Resources report that House Joint Resolution 35 (first reading copy -- white) do pass and be placed upon the consent calendar.

Signed: _____

Ted Schye, Chairman

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 589 (first reading copy -- white) do pass .

Signed: Ted Schye
Ted Schye, Chairman

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 470 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 3.

Strike: "EMPLOYEE CONTRACTS AND"

Following: "RIGHTS"

Insert: "AND FOR A HIRING PREFERENCE FOR NONCERTIFIED EMPLOYEES"

2. Page 1, line 10.

Strike: "Contracts"

Insert: "Tenure"

Following: "protected"

Strike: "."

Insert: " -- hiring preference for noncertified employees. (1)"

3. Page 1, line 14.

Following: "other"

Insert: "certified"

4. Page 1, lines 15 and 16.

Strike: "continuing contract or" on line 15

Following: "law"

Strike: "is protected" on lines 15 and 16

Insert: "continues to have tenure in the consolidated or enlarged district"

5. Page 1, line 13.

Strike: "contract or"

6. Page 1, line 20.

Following: line 19

Insert: "(2) A noncertified, nonprobationary employee of a school district that consolidates or joins another district through annexation must be given preference in hiring for

February 19, 1991
Page 2 of 2

any position with the consolidated or enlarged district for which the employee has substantially equal qualifications and, upon acceptance of a position, may not be given probationary status."

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 415 (first reading copy -- white) do pass .

Signed: _____
Ted Schye, Chairman

HOUSE STANDING COMMITTEE REPORT

February 19, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 407 (first reading copy -- white) do pass .

Signed: _____
Ted Scnye, Chairman

EXHIBIT 41
DATE 2-18-91
HB 343

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. 343 NUMBER _____

MOTION: No Pass by Rep. Davis

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK		✓
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND	✓	
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON		✓
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN		✓
REP. DIANA WYATT		
TOTAL	11	8

Amendments to House Bill No. 462
1st Reading Copy
Requested by Rep. Davis
For the House Committee on Education
Prepared by Andrea Merrill
February 15, 1991

1. Title, line 4.
Following: "REVISE"
Insert: "AND TO PHASE IN"

2. Title, line 8.
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

3. Page 1, line 9.
Insert: "

STATEMENT OF INTENT

A statement of intent is necessary for this bill to clarify that the superintendent of public instruction shall promulgate rules that prescribe procedures for the aggregation of the average number belonging of pupils in school districts for foundation program purposes. The authority for rulemaking to secure compliance with school budgeting laws is granted the superintendent of public instruction in 20-9-102 and 20-9-201. The rules must address the various circumstances concerning location of school districts and the schools within those districts."

4. Page 4, lines 19 and 20.
Following: line 18
Strike: lines 19 and 20 in their entirety
Insert: "is applicable during school fiscal years 1992 through 1996 in the following manner:

(1) one-fifth of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1992;

(2) two-fifths of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1993;

(3) three-fifths of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1994;

(4) four-fifths of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by [this act] and as calculated under the provisions of 20-9-311(1), applies in budgeting for school fiscal year 1995;

(5) 100% of the reduction in the foundation program schedule amount resulting from the aggregation of ANB required by

EXHIBIT #3
DATE 2-18-91
HB 462

Amendments to House Bill No. 462
1st Reading Copy

Requested by Rep. Davis
For the House Committee on Education

Prepared by Andrea Merrill
February 15, 1991

1. Title, line 4.
Following: "REVISE"
Insert: "AND TO PHASE IN"

2. Title, line 8.
Strike: "AN"
Strike: "DATE"
Insert: "DATES"

3. Page 4, lines 19 and 20.
Following: line 18
Strike: lines 19 and 20 in their entirety
Insert: "is applicable during school fiscal years 1992 through
1996 in the following manner:

(1) one-fifth of the reduction in the foundation program
schedule amount resulting from the aggregation of ANB required by
[this act] and as calculated under the provisions of 20-9-311(1),
applies in budgeting for school fiscal year 1992;

(2) two-fifths of the reduction in the foundation program
schedule amount resulting from the aggregation of ANB required by
[this act] and as calculated under the provisions of 20-9-311(1),
applies in budgeting for school fiscal year 1993;

(3) three-fifths of the reduction in the foundation program
schedule amount resulting from the aggregation of ANB required by
[this act] and as calculated under the provisions of 20-9-311(1),
applies in budgeting for school fiscal year 1994;

(4) four-fifths of the reduction in the foundation program
schedule amount resulting from the aggregation of ANB required by
[this act] and as calculated under the provisions of 20-9-311(1),
applies in budgeting for school fiscal year 1995;

(5) 100% of the reduction in the foundation program
schedule amount resulting from the aggregation of ANB required by
[this act] and as calculated under the provisions of 20-9-311(1),
applies in budgeting for school fiscal year 1996."

Testimony in Support of
HB 533 (Harrington) A Bill to Require Periodic Standardized Testing
of Home School Students
for
The House Education Committee
February 18, 1991

In order to put the proposed legislation into perspective, I would like to present some background information on the current testing requirement for Montana's children who attend public schools and private schools which wish to be state accredited.

After the 1985 Legislative Session, the interim legislative finance committee, concerned with the threatened underfunded school law suit, appointed a school funding subcommittee to make recommendations to the 1987 Legislature regarding school funding and related education issues. One of the issues which emerged as a study topic was student achievement testing. In a special report to the subcommittee on this issue, the Legislative Fiscal Analyst said that "the intent of the [accreditation] standards is to produce an educational setting that will produce learning" and went on to further discuss the fact that there was, at that time, no common way to measure learning for students in Montana schools. After further study, the committee sponsored HB365 as part of its recommendations to the 1987 Legislature. The '87 Session concurred with the committee and the legislation was passed. The bill had a statement of intent. (See Attachment A.)

After the session ended the Board of Public Education and the Office of Public Instruction began their work. First, public schools were surveyed by the Office of Public Instruction to see what assessment was already in place. From that survey, it was determined that over 95% of the public schools used standardized achievement tests, and further it was determined what tests were used most and at what time of the year they were given. From that information and a public hearing, the Board adopted 10.56.101 A.R.M. in 1988. (See Attachment B.) In essence the new rule required all children in state accredited schools (both public and private) to be tested at Grades 3, 8 and 11, in the spring of each year in the areas of reading, language arts, mathematics, science and social studies.

It is interesting to note that when President Bush and the National Governors' Association set their new education agenda in 1990, the President recommended three levels of testing for all school children in the areas of: "English, mathematics, science, history and geography." The rationale for the national concern about testing was that our children as tomorrow's citizens had to be able to compete in a global economy and with societies that traditionally have required testing and schooling for all their students.

EXHIBIT #4
DATE 2-18-91
HB 533

The 1989 Legislature did receive a report from the Office of Public Instruction on Student Assessment. The 1991 Legislature will receive a more complete report. Because of the need to bring all schools into the spring time testing date and the list of tests the Board authorized, the administrative rule allowed for phase in. However, after July 1991, all schools will be in compliance.

The Board of Public Education and the Office of Public Instruction recognize that standardized achievement tests do not measure all that should be measured with regard to student achievement. Still, the Legislature of the State of Montana, the President of the United States, and most educators do believe that achievement tests are valid indicators that learning is taking place.

The Montana Constitution has recognized the right of all citizens to learn. The Legislature recognized in 1987 that there needed to be some accountability attached to learning. That is what the achievement tests do. This bill would only protect those children in home schools and help give them their constitutional rights. I urge your support for HB 533.

Claudette Morton, Ed.D.
P. O. Box 1384
Dillon, MT 59725

EXHIBIT #4
DATE 533
HB 533

House of Representatives

HB 0365/s1

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

STATEMENT OF INTENT

HOUSE BILL 365

House Education and Cultural Resources Committee

A statement of intent is required for this bill because section 1 provides that the board of public education shall adopt rules for student assessment in the public schools of Montana. The legislature intends for the board to adopt rules regarding:

- (1) the types of student assessment tests that may be used;
- (2) the grade levels to be tested;
- (3) the time of testing;
- (4) procurement of testing data;
- (5) provisions for confidentiality of test results;
- (6) responsibilities for the office of the superintendent of public instruction; and
- (7) other provisions that the board considers vital to the student assessment program.

Montana Legislature Council

SECOND READING
HB 365

ASSESSMENT

10.56.101

Sub-Chapter 1

General Information

10.56.101 STUDENT ASSESSMENT (1) By the authority of section 20-2-121(12), MCA, the board of public education adopts rules for student assessment in the public schools and those private schools seeking accreditation.

(2) The board recognizes that the primary purpose of student assessment is to improve the quality of education and that there are a variety of assessment tools. At the local level, because norm-referenced tests are not designed to measure local programs, districts should begin to develop appropriate school and classroom assessment tools to measure the attainment of educational goals and objectives and the level of individual student achievement. Assessment results will be used in instructional planning and in evaluating the effectiveness of educational programs. At the state level, since it is useful to know how Montana students generally compare to students from other states, all accredited schools will annually administer norm-referenced tests selected from a list of such tests approved by the board and provided by the office of public instruction, except that schools that on the effective date of this rule are either:

(a) not using norm-referenced tests from the board approved list;

(b) not using norm-referenced tests to test in grade levels three, eight and eleven; or

(c) using only parts of the approved norm-referenced tests;

have until July 1991 to comply with this subsection. The tests will be administered to students in grades three, eight and eleven in reading, language arts, math, science and social studies. A spring test will be given and the test date will be within the empirical norm date for the selected test. All scores will be sent to the office of public instruction by June 30 in a format specified by the office of public instruction and approved by the board of public education.

(3) Test scores are a part of each student's records which will be governed by the office of public instruction's guidelines for student records.

(4) The office of public instruction will collect and provide a statewide summary of the results to the board and legislature. No comparison of one Montana school or district to another will be made by the board of public education or the office of public instruction but schools are encouraged

10.56.101

BOARD OF PUBLIC EDUCATION

to compare their scores with the state norms and share testing information and results with parents and the local community.

(5) All norm-referenced test results released to the public by schools will be accompanied by a clear statement of the purposes of the test, subject areas that have been tested, how they were tested, limitations of norm-referenced tests, what is meant by the results and how the results will be used.

(6) Full time special education students shall not be required to participate in the norm-referenced testing program. Those students receiving only special education instruction in any of those tested academic areas shall not be required to participate in that section of the test for which they receive exclusive special education instruction. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-2-121 MCA; NEW, 1988 MAR p. 976, Eff. 5/27/88.)

February 18, 1991

House Bill 533

Robert L. Anderson

EXHIBIT #5
DATE 2-18-91
HB 533

I am here today to plead with you for a large and rapidly growing group of Montana students who will not be here to speak for themselves. I am talking about at least 1,500 students who are home schooled ... or at least they have been classified as home schoolers.

The question before you is: "Are these students, whose rights are guaranteed under our rather unique Montana Constitution, having their rights protected or abused by the current home school act?" I believe, and many others believe, that their rights are being denied.

Currently under state law, home school students must do several things. The problem is that the law is ambiguous and has absolutely no enforcement powers whatsoever.

Let me tell you how easy it is to take your kids out of public school and have a home school:

Make believe for a moment that I have just had an argument with the third grade teacher of my child's public school. She told me that I needed to do a better job of disciplining my child. I disagreed and told her that my child hates her and that she is the problem.

I return home and call the county superintendent and tell him that I am going to home school my child.

That's it! That's all I have to do! No one will ever bother me again. All I have to do is call each year and tell the county superintendent that I am still home schooling my child.

If the county superintendent wants to require that I submit a record of immunization, I can tell him that I have signed a personal exemption ... they can do nothing!

If they want to see my records for pupil attendance, I can submit nearly anything as the law requires an "equivalent" to the 180 days.

I'm sure you see that this law is wide open for abuse!

What about the truancy laws? Do they work for the child who is not getting a good home school education? I don't believe so! I believe that it is so ambiguous that it is nearly unenforceable. Not only that, you had better have a lot of time and energy and be willing to neglect your other duties as a county superintendent (who is the truant officer in most counties) if you want to go after a so-called home schooler for truancy.

This bill, Mr. Chairman and members of the committee, is not after good home schoolers. This bill is intended to protect the constitutional rights of students.

February 18, 1991
HB 533
page 2

I was an elementary and secondary school student in the 1940's and 1950's. I don't remember very many special students attending school in those days. You know why ... we ignored them. They were locked in closets, kept at home, institutionalized away from their home because we didn't want to deal with them. They were somebody else's problem. Well, if our founding fathers intended anything in the 1977 constitution, it is to not ignore the rights of citizens ... especially if they happen to be our youth.

What this legislation will do is require each home school student, at ages equivalent to the grades 3, 8, and 11, to go to the public school in their district at the time that district administers one of the five norm-referenced national achievement examinations, and take the test.

This is the same requirement that is required of the public school students.

Now the home schoolers are going to testify that will be difficult for their children to handle ... i.e. going to a strange place to be tested. They will tell you how awful their child will feel about this, and will say that their child should be tested in their home where they feel more comfortable.

Perhaps we should allow all of us who have taken tests to take them at home -- where we are more comfortable. Why not let lawyers take the Montana Bar Exam at home?

Ah, but these are young people we are talking about here! Is that fair? Well, as a young child, what could be more threatening than going into the dentist's office for a dental exam. But will these parents convince their child that they will live through that experience? Yes, these young children will live through this testing experience ... in fact, some of them may enjoy being with other children of their own age.

There will be a lot of smoke that the opponents will create to kill or amend to death this bill. These people do not care about student rights. They only care about their rights as parents!

I ask you to support this legislation. Give these kids a chance. Make this system at least as accountable as the public system.

Thank you once again for your indulgence and consideration.

ARTICLE X

EDUCATION AND PUBLIC LANDS

Section

1. Educational goals and duties.
2. Public school fund.
3. Public school fund inviolate.
4. Board of land commissioners.
5. Public school fund revenue.
6. Aid prohibited to sectarian schools.
7. Nondiscrimination in education.
8. School district trustees.
9. Boards of education.
10. State university funds.
11. Public land trust, disposition.

Article Cross-References

Superintendent of Public Instruction as executive branch officer, Art. VI, sec. 1 through 4, 6, and 7, Mont. Const.

Education, Title 2, ch. 15, part 15; Title 20.
Department of State Lands, Title 2, ch. 15, part 32.
State Lands, Title 77.

Section 1. Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Cross-References

Public school fund, Art. X, sec. 2 and 3, Mont. Const.
Nondiscrimination in education, Art. X, sec. 7, Mont. Const.; 49-2-307; 49-3-203.
State university funds, Art. X, sec. 10, Mont. Const.
State Board of Education, 2-15-1501.
Board of Regents of Higher Education, 2-15-1505.
Commissioner of Higher Education, 2-15-1506.
Board of Public Education, 2-15-1507.

Property tax exemption of property used for educational purposes, 15-6-201.
Statewide levy for school purposes, 15-10-103.
Statewide levy for university system, 15-10-105.
Education, Title 20.
Indian studies required of teachers under certain circumstances, 20-4-211 through 20-4-214.
Vocational and technical education, Title 20, ch. 7, part 3.
Montana State School for the Deaf and Blind, Title 20, ch. 8.
State equalization aid, Title 20, ch. 9, part 3.
Community college districts, Title 20, ch. 15.

20-5-106. Truancy. (1) Whenever the attendance officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school providing the required instruction and has not been excused under the provisions of this title, he shall notify in writing the parent, guardian, or other person responsible for the care of the child that the continued truancy or nonenrollment of his child shall result in his prosecution under the provisions of this section. If the child is not enrolled and in attendance at a school or excused from school within 2 days after the receipt of the notice, the attendance officer shall file a complaint against such person in a court of competent jurisdiction.

(2) If convicted, such person shall be fined not less than \$5 or more than \$20. In the alternative, he may be required to give bond in the penal sum of \$100, with sureties, conditioned upon his agreement to cause the enrollment of his child within 2 days thereafter in a school providing the courses of instruction required by this title and to cause the child to attend that school for the remainder of the current school term. If a person refuses to pay a fine and costs or to give a bond as ordered by the court, he shall be imprisoned in the county jail for a term of not less than 10 days or more than 30 days.

History: En. 75-6307 by Sec. 120, Ch. 5, L. 1971; R.C.M. 1947, 75-6307.

20-5-109. Nonpublic school requirements for compulsory enrollment exemption. To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school shall:

(1) maintain records on pupil attendance and disease immunization and make the records available to the county superintendent 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) be housed in a building that complies with applicable local health and safety regulations;

(4) 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; and

(5) in the case of home schools, notify the county superintendent of schools, of the county in which the home school is located, in each school fiscal year of the student's attendance at the school.

History: En. Sec. 2, Ch. 355, L. 1983; amd. Sec. 3, Ch. 498, L. 1989.

Compiler's Comments

1989 Amendment: In (5) inserted "of the county in which the home school is located, in

each school fiscal year"; and made minor changes in phraseology.

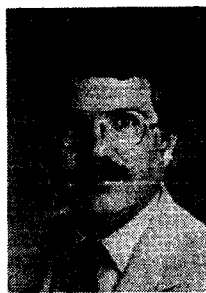
PARENTS DO NOT HAVE A FUNDAMENTAL RIGHT TO EDUCATE THEIR CHILDREN AT HOME

Several Michigan couples decided to educate their children at home using a "Home Based Education Program" which they purchased from a private school corporation. Subsequently, the couples were charged with truancy and they, along with the private school corporation, sued the superintendent of public instruction, various school officials and two private education associations, asserting that their constitutional rights had been violated. Specifically, they stated that they had a constitutional right to educate their children in the privacy of their homes and that they had been denied due process and other civil rights. The case was brought before a federal district court.

The court first looked to the private school corporation and decided that it could not bring the lawsuit because it had not shown that it had been economically injured. The corporation was also not an association of "members," but was rather a business selling services to customers. The court stated that because the parents were able to assert their own rights, the corporation need not bring an action for them. With respect to the parents, the court ruled that the right to educate children at home is not a fundamental right. Although parents have a constitutional right to send their children to private schools and to select private schools that offer specialized instruction, private school education could be regulated by the government so long as it was reasonable. Since the government merely required that a certified teacher provide instruction in courses comparable to those offered in the public schools, the court ruled that the regulation was reasonable. Finally, the court held that the couples were not "members of a class of people" who federal discrimination statutes were intended to protect. They were merely a group of people who wished to educate their children at home. The court denied the couples' claims and the corporation's claims. *Clonlara v. Runkel*, 722 F. Supp. 1442 (E.D. Mich. 1989)

—Legal Notes

Gary Griffith



"You can and should be a lobbyist!"

President's Message

Are you an effective trustee? Are the motions you are passing, the policies you're adopting, or the programs you're promoting having any effect on the education of the children in your district?

You have an opportunity during the first three months of this year to have an effect that is not available 21 months out of 24. You can and should be a lobbyist.

Trustees are generally highly credible sources of information to the legislators. Legislators see trustees as locally elected, unpaid, constitutionally empowered representatives of the folks back home. You are "in the trenches" so to speak, and therefore have the most accurate, reliable data available on schools.

Just one trip to the legislature to testify on one bill could have more effect than all the work you've done at home since you've been a trustee. You will find yourself either testify-

ing for or against any proposed legislation. MSBA has directed its staff to present several pieces of legislation to the legislature. Your assistance in testifying at these hearings would be most helpful.

If you follow the newspaper accounts and listings of the various bills moving through the legislature, you may find some bills to which you might object. Speaking against some bills can be just as helpful as speaking for others, depending, of course, on your point of view. What the legislature needs most of all is good, solid information from credible persons. You, as trustees of your individual school districts, are the right people for this job. You have no vested interest in the school district, and you have been elected by your constituents.

Plan now to travel to Helena and testify at least once during this session. You'll not regret the trip.

Insurance program endorsed by MSBA

A commercial insurance and loss control plan has been endorsed by the Montana School Boards Association and is available through local independent insurance agents. This program can be tailored to suit the insurance needs of individual members' schools.

This program offers you the opportunity to achieve considerable savings in your insurance costs. Three advantages of this program are:

1. All insurance is placed through one company (Pacific Employers Insurance Company, a CIGNA Company) featuring competitive premiums and state-of-the-art package policies.
2. The underwriting company provides participating members with a loss control and safety program.
3. Further cost reductions through cash dividends can be obtained if enough members are in the program and their collective losses are low. Of course, these dividends can't be guaranteed, but have been paid to members of many other trade associations sponsoring such a program.

We have asked qualified independent insurance agents affiliated with MarketDyne International to contact each member and explain the program in detail. Want information right away? Contact MarketDyne International, 1600 Arch Street, Philadelphia, PA 19103.

MSBA Calendar

- Feb. 1 - 3 — NSBA Leadership Conference, Washington, D.C.
- Feb. 3 - 5 — NSBA Federal Relations Network Conference, Washington, D.C.
- Feb. 5 — MSBA Collective Bargaining Meeting for Small Rural Schools, Kalispell - Outlaw Inn
- Feb. 6 — MSBA Collective Bargaining Caucus, Kalispell - Outlaw Inn
- Feb. 27 — MSBA Collective Bargaining Caucus, Billings - Holiday Inn
- March 11 — Insurance/Risk Management Workshops ("How to Stay Out of Court and Save Money"), Wolf Point
- March 12 — Insurance/Risk Management Workshops - Miles City
- March 13 — Insurance/Risk Management Workshops - Billings
- March 14 — Insurance/Risk Management Workshops - Great Falls
- March 15 — Insurance/Risk Management Workshops - Missoula
- March 21 - 22 — Board of Public Education - Helena
- April 1 — Call for resolutions from membership (deadline for submission is June 1)
- April 13 - 16 — National School Boards Association Convention, San Francisco
- April 18-20 — MASA Spring Conference
- April 29 - May 14 — MSBA Regional Spring Training Workshops

The Montana School Boards Association *Bulletin* is published monthly by the MSBA, 1 South Montana, Helena, MT 59601. Telephone (406) 442-2180. Circulation 2,000.

President: Gary Griffith, Bozeman
Vice President: Linda Vaughey
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General Counsel: Bruce W. Moerer
Staff Attorney: Janice Frankino Doggett
Labor Relations Director: Rick D'Hooge
Labor Relations Specialist: Butch Plowman
Insurance Services Director: Howard R. Bailey
Office Manager: Julie Wood

MONTANA CONGRESS OF

PTA

PARENTS AND TEACHERS

Testimony

H.B. 533

EXHIBIT #6DATE 2-18-91HB 533

House Education and Cultural Resource Committee

I am Kathy Seacat, member of the Montana PTA's Helena Area Legislative Team and spokeswoman for our 10,000 members.

Today I am here to urge you to support H.B. 533.

The Montana PTA has consistently supported a quality education for all students and we believe that ALL children should have access to equal educational opportunities.

The number of home schools has increased significantly and there are no uniform standards that these schools must meet, such as hours and days of instruction; curriculum, teacher certification; and the law for the reporting of home teaching is unenforceable and often not complied with.

Certainly literacy, reading skills, mathematical proficiency, writing skills, and scientific understanding are desired outcomes for our students in public schools and also are desired outcomes for home-taught students. It is the responsibility of the state of Montana to insure such a quality education for all our young citizens. The testing of home students as in H.B. 533 would be a beginning for measuring these outcomes and the progress of the children and youth taught at home. It would give the state an idea of the quality of education home-taught students are receiving.

The Montana Congress of Parents and Teachers wants to see all children receive the best education available to them. We would go so far as to support the same minimum educational standards for home schools as for public schools.

We do ask your support for this bill and thank you for your time.

Kathy Seacat
2472 Spokane Creek Road
E. Helena, MT 59635

Ellen Bourgeau
Montana PTA Legislative Coordinator
1111 Eaton
Missoula, MT 59801

MONTANA COALITION OF HOME EDUCATORS

P.O. BOX 654
HELENA, MT 59624

EXHIBIT # 7
DATE 2-18-91
HB 533

Executive Committee

Kent Gilge - Chairman
Chinook
357-2893

Danita Hane
Seeley Lake
754-2481

Mark Gerber
Billings
245-2122

Steve White
Helena
443-5826

Linda Collins - Treasurer
Gardiner
848-7226

Advisory Committee

Big Timber Homeschoolers

Beaverhead Home Educators

Billings Area Homeschoolers

Bitterroot Valley Homeschoolers

Boulder Homeschoolers

Butte Area Homeschoolers

Cascade Homeschoolers

Central Montana Homeschoolers

Colstrip Homeschool Group

East Slope Academic Association

Flathead Valley Homeschoolers Association

Gallatin Valley Homeschoolers

Gardiner's Homeschoolers

GFCC Homeschoolers

Glasgow Home Educators

Glendive Area Home Educators

Helena Area Christian Home Educators

HiLine Homeschoolers

Homeschoolers of Montana

Laurel Area Homeschoolers

Lincoln County Christian Homeschoolers

Meagher County Homeschoolers

Mission Valley Homeschoolers

Missoula Homeschoolers Association

Northern Home Educators

Northwest Montana Homeschoolers

Park County Homeschoolers Association

Seeley-Swan Homeschoolers

Shepherd Area Homeschoolers

Whitehall Area Homeschoolers

Testimony of Kent Gilge in opposition to HB 533

Mr. Chairman and members of the Committee. I am Kent Gilge, chairman of the Montana Coalition of Home Educators.

Let's put these horror stories into perspective.

Public school dropout rates across the nation average 20% or more. Let's assume only 10% of Montana's 150,000 publicly educated students fall through the cracks. This amounts to 15,000 dropouts a year. This number is fifteen times higher than the total number of home educated children in the state. Home educated students comprise less than 1% of all school age children in Montana. Gail Gray of the Office of Public Instruction, said home school problems are "isolated cases".

Mr. Anderson's recent plea for horror stories from county superintendents indicates there is no substantial problem or there would have been no need to solicit them. I believe the editor of the Montana Standard said it all in his recent editorial, which is attached.

The MSBA focus on home education is narrow and negative. We already have a positive, workable solution in place. The Coalition responds to rumors of problems by investigating and offering assistance and guidance. We actively monitor homeschooling in the state. In 1990 the National Home Education Research Institute conducted a comprehensive study on Montana home education. There are plans to extend this research in the future.

This bill is an unworkable solution to a minuscule problem.

Testimony of Kent Gilge

Mr. Chairman, members of the committee.

The Montana Coalition of Home Educators is composed of home educators from across Montana. We are from diverse backgrounds and religious convictions. Our primary bond is the desire to exercise our parental rights to educate our children.

Here are a few things which have happened since the Coalition was founded in 1988:

- Almost 50 support groups have been identified and networked around the state. These support groups offer year round interaction between home education families.
- **The Grapevine**, a top-notch statewide newsletter services the home educators of this state monthly.
- **Home School Reference Guides** by the thousands have been distributed to home educators, libraries and county superintendents.
- Many seminars and workshops featuring nationally acclaimed educators have been sponsored.
- Workshops have been conducted to assist families new to home education.
- A very successful state-wide convention was held last Spring at the Colonial Inn here in Helena. Over 500 people from across the state and neighboring states attended. We even had families from Canada attend.
- Curriculum fairs have been organized around the state.
- The Governor has twice honored us by proclaiming a week in May as **Home Education Week**.

Our future goals are to continue to pursue educational excellence for our children. We have more seminars, workshops and conventions planned for the years ahead.

Opinion, comment

Look within

School boards' tactic offensive, shall we use it on public schools?

Home school officials say the Montana School Boards Association is looking for "horror stories" to support legislation that would require home school students to be evaluated by public school districts.

The home school officials are correct.

The Montana School Boards Association mailed letters Jan. 29 to about 60 superintendents of public schools asking "for help in identifying particular cases you have come across where you are aware that students are not getting an adequate education ..."

Mark Gerber, a member of the executive committee of the Montana Coalition of Home Educators, called the letter "an emotional plea for home-school horror stories. Although there are some home-school families that could be a problem, I do not believe that there is a substantial documented problem or there would have been no need for a letter like this to have gone out."

Exactly. A Montana School Boards Association official said the association is looking for cases to present in testimony favoring the bill to require periodic evaluation of home school students. Obviously, the board is afraid there is not sufficient documentation on hand currently to justify the bill. Hence, its dragnet for dirt.

According to the Associated Press, some public school superintendents were disgusted with the letter, and ignored it. Stillwater County Superintendent Teresa Miller said, "It almost asks you to be a snitch, and I won't participate in that." Good for her.

If the Montana School Boards Association wants to strike a blow for improved education, it should ask local superintendents to send letters home with students asking parents to list "particular cases" of perceived shortcomings in the public schools. We're sure the response would give the association plenty to do without worrying so much about home schools.

House Education Committee
Re: HB 533

Submitted by Kent Gilge - Montana Coalition of Home Educators

Mr. Chairman and committee members. As you ponder what to do with this bill before you, I urge you to be mindful of the positive economic impact home education has on our great state.

First, based on U.S. Department of Education statistics, it costs the taxpayers of Montana over \$4,000 per year to educate a single student in the public school system. Home educators save the state of Montana over \$4,000,000 per year on educational expenses while generating revenue for the public school system through property and other taxes they pay.

Secondly, while many people are leaving the state of Montana due to our economic conditions, many home educators are moving into the state because of our progressive homeschool laws.

Our state organization receives letters weekly from people who are considering a job-transfer to Montana instead of another state, and are examining our homeschool laws as a deciding criteria. These people are generally middle-to-upper income families.

We also receive numerous inquiries from home educators who are considering moving their job-creating business here, despite our perceived "anti-business" environment. These prospective employers include professionals, and again, they are particularly interested in our state due to our positive homeschool laws.

Thirdly, home educators are committed to obtaining the best possible education for their children even at the expense of their jobs. Just as home educators have moved here to get away from oppressive regulations, homeschool families will also not hesitate to move out of Montana pending passage of intrusive regulations.

Lastly, is it really in the state's best interest to spend tax-dollars in an attempt to identify a handful of "maybe's"? I would like not to think that legislators are trying to target home educators regardless of the price tag. I ask you to count the cost to the state and to families.

Home educators are building strong families and a strong economy for Montana, at the same time. Montana needs both. Please don't discourage others from moving into Montana and don't encourage those already here to move out.

Vote against HB 533.



MONTANA SCHOOL BOARDS ASSOCIATION

EXHIBIT # 1
DATE 2-18-91
HB 533

One South Montana Ave.
Helena, Montana 59601
Telephone: 406/442-2180
FAX 406/442-2194

Robert L. Anderson, Executive Director

January 29, 1991

JAN 31 1991

We want to enlist your help for an important piece of legislation for the youth of our great state, the home school student testing bill sponsored by the House Education Committee Chairman, Representative Ted Schye.

If you believe as we do that each person, regardless of age, is guaranteed an opportunity for a quality education by the Montana Constitution, and parents who do not ensure that their children receive that education are in violation of our constitution, then we are on the same team.

We have heard talk that some county superintendents are sick and tired of this issue. Certainly that may be the case for some who do not take their oath of office to uphold Montana's Constitution seriously. It would be a shame that perhaps once again we would ignore the rights of these students, just as many of us made the mistake to ignore special needs of students in the past.

No doubt it would be an easier course to complain that this piece of legislation will do little to help these students, and will be hard and time consuming to enforce.

So, this letter is directed to those of you who have the courage and fortitude to try and improve on a poorly conceived earlier piece of legislation known as the home school act.

What we are asking is for help in identifying particular cases you have come across where you are aware that students are not getting an adequate education afforded to them under current law.

Current state law requires home schoolers to (20-5-109) (2) provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and 20-1-302; (3) be housed in a building that complies with applicable local health and safety regulations; (4) provide and organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to 20-7-111.

EXHIBIT

DATE

HB

#7

2-18-91

533

We have not copied the entire statute, however, subsection (4) outlines that home school students must follow a program identical to the accreditation standards mandated by the Board of Public Education.

We are not concerned about active home schools which do a reasonable or even good job of complying with the state law. What we are concerned about is a parent or parents who are not providing a quality education, and have no intention of doing so.

We believe most of you have knowledge of such cases. Legislators need to hear from you about these situations.

Please let me know if you are willing and able to help in this worthwhile cause. These forgotten students and our association are counting on you.

We have enclosed a copy of Representative Schye's bill. A memo to him concerning this issue and some editorials on Home Schools from both perspectives are also enclosed.

We thank you in advance for helping the Montana School Boards Association in this effort. Our relationship continues to be a strong voice for education.

Cordially yours,



Robert L. Anderson
Executive Director



Bruce Moerer
General Counsel

klb

Enclosures

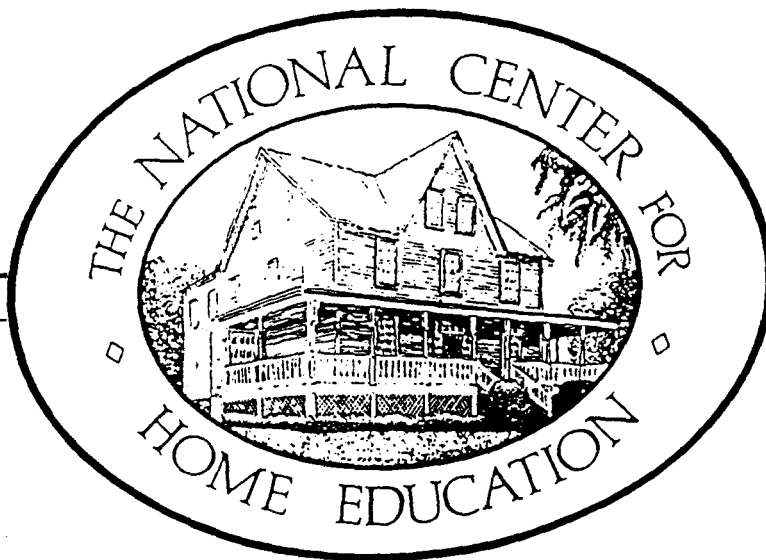


EXHIBIT # 8
DATE 2-18-91
HB 533

Testimony
of
Michael P. Farris, Esq.
before
the Montana
House of Representatives
Education Committee

February 18, 1991

Mr. Chairman and members of the committee,

My name is Michael Farris. I am the president of Home School Legal Defense Association and our affiliate the National Center for Home Education. HSLDA has 37 member families in Montana.

It is a privilege to be back in Montana. I grew up in eastern Washington state, went to law school at Gonzaga University in Spokane and practiced there for a few years. During that time I had several occasions to visit your beautiful state.

My purpose today in testifying today is to give you four reasons to defeat HB 533.

I have read several pieces of literature written by the Montana School Boards Association concerning their purpose in seeking this legislation. They contend that this law is necessary, according to Gary Griffith, to close a legal loophole which permits truancy. This association claims that there are parents in this state who have no desire to educate their children. They claim that such parents are using the home schooling law as a shield for truancy.

There is nothing wrong with this goal. However, this bill will not accomplish this goal, but will instead serve as a means of generating substantial legal conflict between legitimate home schoolers and school officials.

The school boards association claims that Montana needs a wolf trap. This legislation will only trap sheep, not wolves. And the pity of it all is that Montana law has in place a perfectly good wolf trap to catch truants. If there are problems with truants, then it is simply because someone is not properly doing their job to hunt wolves.

Here are my four reasons:

1. This bill will not work and is not necessary to stop phony home schoolers.

Let me say at the outset, I have probably defended as many truancy cases as any other lawyer in the nation. All of my clients have been legitimate home schoolers. But, I have learned the ropes of truancy litigation.

Anyone who thinks that this legislation will accomplish anything in terms of stopping delinquent parents who are bent on defying their duty to educate their children, they are way off the mark.

Truants will forget to come to the test. Or their child will be sick. Or they will move to the neighboring district. Or they will leave the state for about six weeks. Deadbeats know how to weasel out of requirements of this type.

Moreover, there are absolutely no teeth in this bill if a child does poorly on a test. A truant parent won't care if his child does well or not. They'll tell school officials to take a hike even if their child bombs the test.

What can be done about such parents? Apparently somebody simply needs to light a fire under the attendance officers in this state because the authority which has been given to such

Testimony of Michael P. Farris
Home School Legal Defense Association

officers by this legislature is extraordinary broad. A conscientious attendance officer can employ MCA §§ 20-5-105 and 20-5-106¹ to bring such parents to swift justice.

MCA § 20-5-106 authorizes truant officers to act "[w]hensoever the truant officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school *providing the required instruction . . .*"

Parents who falsely claim to be home schooling are not providing the required instruction. **There is no loophole.** Truant parents can not pretend to be one of us — they are not home schoolers. If they are not providing the required instruction, then the truant officer is mandated to act.

Does the truant officer need more power? No. A quick review of § 20-5-105 demonstrates that the truant officer has extraordinary powers. Subsection 1 gives him police power which inherently includes the power to make investigations and explicitly includes the power to serve warrants. Subsection 2 gives truant officers the authority to take children into custody and take them to school. Subsection 3 give him the power to do "whatever else is required to investigate and enforce the compulsory attendance law." Subsection 4 gives him the power to commence legal action against truant parents and children.

What power could this legislature give truant officer that adds to this, especially to subsection 3 which says he can do "whatever is required" to enforce the truancy law?

You will find no broader grant of authority to truant officers anywhere in this nation.

I do not know whether this alleged problem of truants faking as home schoolers really exists in Montana. We have heard this claim in a number of states. Nowhere has this claim been proven with any substantial evidence.

The truant officers may be doing a good job. These stories may simply be inflated. But, this legislature's job is to make sure that the law is written in such a way that a conscientious truant officer has the ability to do his job. Your law is perfectly sound.

It is the job of the local school boards to administer the staff hired to do the ~~task~~^{task}. This would apparently include truant officers. If this problem really exists perhaps the school boards association would better spend its time looking to its own administration rather than placing burdensome restrictions on law-abiding home schoolers.

Let's leave the truant families and turn to legitimate home schooling parents. My remaining points demonstrate the serious problems for legitimate home schoolers which will arise if this legislation is enacted.

2. This bill is unfair to home schooling children.

Our organization has done a lot of litigation in the realm of standardized testing. We

¹Copies of these sections are attached.

have won constitutional challenges in Rhode Island to the very kind of program being suggested here.

I will deal with the constitutional issues later. For now let me suggest that we have learned a great deal about the professional standards for testing children.

One of the principles of fair testing is that children should only be tested on material they have had an opportunity to learn.

If you give a child a test, professional standards require that a child must have had an opportunity to learn the material. Otherwise the testing is invalid and will only serve to demoralize the child.

In fact the Administrative Rules of Montana² which set forth the testing requirements for the public schools, which would be imposed on home schoolers by this legislation clearly acknowledges the importance of this principle.

"Norm-referenced tests are not designed to measure local programs [therefore], districts should begin to develop appropriate school and classroom assessment tools to measure the attainment of the educational goals and objectives and the level of individual student achievement."

These rules establish that the purpose of norm-referenced tests is to determine "how Montana students generally compare to students from other states."

There are several things that can be learned by looking at these rules.

First, it is not at all clear that home schooling students would be taking only the nationally-normed standardized test. This bill requires districts to assess home school students in the same manner it assesses public school students. Taking the Administrative Rules at face value, *students* are not assessed using nationally-normed tests. Programs not students are being assessed by this method. According to the rules individual students are only to be assessed by the "school and classroom assessment tools."

A careful reading of this rule suggests that home school students will have to take the classroom and school tests given to public school students. As to normed-referenced tests, it is debatable whether or not a court would hold that home schoolers would be required to take these tests since the rules say that these tests are not for individual student assessment.

These rules acknowledge the deficiency of normed-reference tests to judge individual students because these tests are not geared to the material studied by the student. This problem is compounded by the fact that school districts choose the norm-referenced test that most closely matches their curriculum.

Home school students will be given a grossly unfair assignment. They will be required to take classroom and school tests which obviously cover the material specifically taught to the

²A copy of this rule is attached.

children in those classrooms. It would be unfair to give a four-grader in Bozeman a test prepared for a fourth grade class in Butte. They didn't necessarily study the same material.

This same principle is doubly true for the home schooled child. A home schooled child should not have to take a test selected by the local school district because this child has not studied the same material. This principle applies to classroom, school, and nationally-normed tests.

Even if this bill is somehow construed to be limited only to nationally-normed tests, it is still unfair to allow the school district to select the test. The district will choose the test which most closely corresponds to its curriculum. The vast majority of states which require testing allow the home schooling parent to select any recognized national test. In this way, the parent can select the test that most closely tracks the curriculum the child has actually studied.

This bill also implies that school districts could force home schooling children to come into the public schools for assessment testing. This is simply out of line. Only one other state — Arkansas — imposes such an onerous practice on home schooled children. All other states permit testing in the child's normal learning environment at least as an alternative.

Testing experts uniformly agree that a child is best tested in his normal learning environment. A child placed in a public school against his will, to be tested by a stranger, often under duress, will not test accurately.

If the MSBA is interested in accurate assessment of home schooling children, they would not have proposed this bill. This bill requires multiple testing using the wrong tests, given in the wrong location, and given by the wrong people. You will not obtain accurate test results under this system.

This proposed system is grossly unfair to home schooling children.

3. This bill is out of step with the vast majority of state laws on home schooling.

Most states are following a clear legislative trend. Home schoolers are winning greater and greater freedoms in every state.

Why? It is not because of political might. It is because home schoolers have demonstrated time and again that home schooling works.³

America is run on an important principle of freedom. And we need to remember that regulations are inherently an imposition on freedom. As a nation we are committed to the principle that we will not impose regulations upon the freedom of our people, unless it is absolutely necessary to protect some other important principle.

The MSBA tells you that this bill is necessary to protect children's rights. They cannot be serious. If they were interested in children's rights they would have put a little more thought

³A copy of a the largest study ever done on home schooling which demonstrates the success of this approach to education is attached.

into their mandatory testing program to make sure that the home schooled child has a fair and accurate program. This looks more like a power grab than an effort to protect children's rights.

Home schooling is so successful that we are winning increasing freedoms in every state. Freedom is the reward for doing a good job. If there is systemic abuse of freedom, then regulation is necessary.

If this legislation is passed, it will be necessary to look every legitimate home schooler in Montana in the eye and say, "You have not done a good job so we are taking away your freedom."

It is true that 25 states impose some form of a testing requirement. Washington state requires testing. The parents choose the test. The parents receive the results. The school never sees the test unless the child transfers to the public schools.

Again, only one state requires testing in the public school. And no state requires home schooling students to take the classroom tests given in the public school.

This bill is so far out that it will represent the most extremist position in the nation on home school testing.

What have the home schoolers in this room done to deserve being saddled with this kind of extremism?

It seems that America battles extremists who try to take away the freedom of peaceful and law-abiding people.

4. This bill is unconstitutional.

There are at least two grounds for concluding that this bill is unconstitutional.

a. It is a violation of the right of students to be required to take tests on material they have not necessarily covered.

Since all testing in Montana is selected by the local school district to most closely match its curriculum, home school students will be required to be tested on material that does not necessarily have any relationship to their curriculum.

A federal district court in Florida held that it was unconstitutional to require students to take a test where the state had failed to show that students had received instruction in the material included in the test. This decision was affirmed by the United States Court of Appeals for the Fifth Circuit. *Debra P. v. Turlington*, 474 F. Supp. 244 (M.D. Fla. 1979), *aff'd in part and vacated in part*, 644 F.2d 397 (5th Cir. 1981), *on remand* 564 F. Supp. 177 (M.D. Fla. 1983), *aff'd*, 730 F.2d 1405 (11 Cir. 1984).

In order to make such a showing, Montana would be required to conduct a validity study to correlate each and every test required for home schoolers to ensure that this standard had been met. Such a study was required in the *Debra P.* case. One validity study would cost at least \$100,000. So long as the state dictates which test is given, a separate validity study is

Testimony of Michael P. Farris
Home School Legal Defense Association

required for each and every test given.

Unless validity studies are done, it is unconstitutional to impose such a testing requirement under the 14th Amendment's Due Process Clause governing the rights of students.

b. This bill violates the fundamental right of parents to direct the education of their children.

In 1990, the Supreme Court in *Employment Division v. Smith*, 108 L.Ed. 2d 876 (1990), re-affirmed the principle that the right of parents to direct the education of their children is a fundamental constitutional right. The fundamental character of this right is enhanced when accompanied by a religious freedom claim, according to the Court.

This right is one of the most highly protected constitutional freedoms — on an equal footing with freedoms of speech, press, and assembly.

In order for a state to prevail in such a case, it is going to be necessary for the state to prove *with evidence* that this bill is the least restrictive means available to accomplish a compelling state interest.

While we could talk about other flaws of this bill, the one which a court will hang its hat on is the least restrictive means test.

In fact, it was the least restrictive means test that caused the administrative courts in Rhode Island to rule that it was unconstitutional to require home school students to take the same standardized tests as the public schools. I have attached a copy of this decision to my testimony.

The issue in court will be: Is this testing bill the least restrictive means of solving the problem of truant families hiding behind Montana's home schooling law?

The officials who have requested this legislation will have an impossible task when confronted with the constitutional challenge that is certain to come. They will be unable to prove that this legislation is the least restrictive means of stopping truants from hiding behind the home schooling law.

If the law is simply judged as a testing bill, then it will still be impossible for the government to prove that this bill is the least restrictive means of achieving their goals. So many other states have found less restrictive alternatives — and a good number of states (25) require no testing at all. It will be impossible for the MSBA to defend this extremist, unfair, and unconstitutional legislation.

Home School Legal Defense Association urges the defeat of this legislation.

(3) the county superintendent shall be the attendance officer in third-class districts that do not appoint an attendance officer.

History: En. 75-6305 by Sec. 118, Ch. 5, L. 1971; R.C.M. 1947, 75-6305.

Cross-References

Additional positions of County Superintendent, 20-3-206.

20-5-105. Attendance officer — powers and duties. The attendance officer of any district shall:

(1) be vested with police powers, the authority to serve warrants, and the authority to enter places of employment of children in order to enforce the compulsory attendance provisions of this title;

(2) take into custody any child subject to compulsory attendance who is not excused under the provisions of this title and conduct him to the school in which he is or should be enrolled;

(3) do whatever else is required to investigate and enforce the compulsory attendance provisions of this title and the pupil attendance policies of the trustees;

(4) institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions of this title;

(5) keep a record of his transactions for the inspection and information of the trustees and make reports in the manner and to whomever the trustees designate; and

(6) perform any other duties prescribed by the trustees to preserve the morals and secure good conduct of the pupils of the district.

History: En. 75-6306 by Sec. 119, Ch. 5, L. 1971; R.C.M. 1947, 75-6306.

Cross-References

Duties of District Superintendent or county high school principal to enforce attendance laws, 20-4-402.

20-5-106. Truancy. (1) Whenever the attendance officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school providing the required instruction and has not been excused under the provisions of this title, he shall notify in writing the parent, guardian, or other person responsible for the care of the child that the continued truancy or nonenrollment of his child shall result in his prosecution under the provisions of this section. If the child is not enrolled and in attendance at a school or excused from school within 2 days after the receipt of the notice, the attendance officer shall file a complaint against such person in a court of competent jurisdiction.

(2) If convicted, such person shall be fined not less than \$5 or more than \$20. In the alternative, he may be required to give bond in the penal sum of \$100, with sureties, conditioned upon his agreement to cause the enrollment of his child within 2 days thereafter in a school providing the courses of instruction required by this title and to cause the child to attend that school for the remainder of the current school term. If a person refuses to pay a fine and costs or to give a bond as ordered by the court, he shall be imprisoned in the county jail for a term of not less than 10 days or more than 30 days.

History: En. 75-6307 by Sec. 120, Ch. 5, L. 1971; R.C.M. 1947, 75-6307.

EXHIBIT 48DATE 2-18-91HB 533

ASSESSMENT

10.56.101

Sub-Chapter 1

General Information

10.56.101 STUDENT ASSESSMENT (1) By the authority of section 20-2-121(12), MCA, the board of public education adopts rules for student assessment in the public schools and those private schools seeking accreditation.

(2) The board recognizes that the primary purpose of student assessment is to improve the quality of education and that there are a variety of assessment tools. At the local level, because norm-referenced tests are not designed to measure local programs, districts should begin to develop appropriate school and classroom assessment tools to measure the attainment of educational goals and objectives and the level of individual student achievement. Assessment results will be used in instructional planning and in evaluating the effectiveness of educational programs. At the state level, since it is useful to know how Montana students generally compare to students from other states, all accredited schools will annually administer norm-referenced tests selected from a list of such tests approved by the board and provided by the office of public instruction, except that schools that on the effective date of this rule are either:

(a) not using norm-referenced tests from the board approved list;

(b) not using norm-referenced tests to test in grade levels three, eight and eleven; or

(c) using only parts of the approved norm-referenced tests;

have until July 1991 to comply with this subsection. The tests will be administered to students in grades three, eight and eleven in reading, language arts, math, science and social studies. A spring test will be given and the test date will be within the empirical norm date for the selected test. All scores will be sent to the office of public instruction by June 30 in a format specified by the office of public instruction and approved by the board of public education.

(3) Test scores are a part of each student's records which will be governed by the office of public instruction's guidelines for student records.

(4) The office of public instruction will collect and provide a statewide summary of the results to the board and legislature. No comparison of one Montana school or district to another will be made by the board of public education or the office of public instruction but schools are encouraged

ADMINISTRATIVE RULES OF MONTANA

6/30/88

10-313

10.56.101

BOARD OF PUBLIC EDUCATION

to compare their scores with the state norms and share testing information and results with parents and the local community.

(5) All norm-referenced test results released to the public by schools will be accompanied by a clear statement of the purposes of the test, subject areas that have been tested, how they were tested, limitations of norm-referenced tests, what is meant by the results and how the results will be used.

(6) Full time special education students shall not be required to participate in the norm-referenced testing program. Those students receiving only special education instruction in any of those tested academic areas shall not be required to participate in that section of the test for which they receive exclusive special education instruction. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-2-121 MCA; NEW, 1988 MAR p. 976, eff. 5/27/88.)

HB 533

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MR. & MRS. GERALD THIFAUT

vs.

NORTH SMITHFIELD
SCHOOL COMMITTEE

D E C I S I O N

July 2, 1990

Travel of Case

On September 13, 1988 the Superintendent of Schools in North Smithfield notified Mr. and Mrs. Gerald Thifault that their proposal to home school their daughter, Molly, during school year 1988-89 had been approved, subject to certain conditions.¹ Among the conditions was a requirement that Molly undergo annual standardized testing, administered by the School Department. The test selected would be "the same standardized test which will be administered to all children in the North Smithfield School System". (Ex.II). The Thifaults appealed to the Commissioner from the School Committee's conditional approval of the home-schooling proposal, with the focus of their objection the condition relating to the administration of the standardized test under the testing conditions outlined in the Superintendent's letter.

The appeal was heard on March 2, 1989 before the Commissioner's designee. The parties submitted briefs, a process completed by June 8, 1989.

Jurisdiction to hear the appeal lies under R.I.G.L. §16-39-1, §16-39-2 and more specifically under R.I.G.L. §16-19-2.

Issue

Can the North Smithfield School Committee condition the approval of the Thifaults' home education proposal on the requirement that a) their child be administered the

1] These conditions had been set forth the prior year in an October 15, 1987 letter of the Superintendent. The Thifaults' had home schooled their daughter that year subject to the same testing requirement but because of the late timing of the approval, and the school system's completion of its testing schedule, the Superintendent decided not to conduct the achievement testing during school year 1987-88. (See Ex. VII).

same standardized test administered to public school children in North Smithfield, on an annual basis and b) that the test be given in the public school by a representative of the School Department?

Findings of Relevant Facts

- Gerald and Karin Thifault are residents of North Smithfield, Rhode Island. Their daughter Molly is of compulsory school age.
- Molly Thifault, age eight at time of the hearing, was schooled at home by her parents during school years 1987-88 and 1988-89.
- During both school years Mr. and Mrs. Thifault submitted home-schooling proposals outlining the curriculum to be followed and materials to be used; their proposal for school year 1988-89 was submitted on July 10, 1988 (Ex. IV) and approved by the School Committee on September 13, 1988.
- The School Committee's approval was conditioned on six (6) items five (5) of which were agreed to by the Thifaults and the sixth, the requirement dealing with standardized testing was rejected by the parents, who then appealed imposition of this requirement to the Commissioner.
- The Thifaults prefer to administer either the Iowa State test or Peabody Individual Achievement Test (Ex. III), in their home (Tr.p.12).
- The test they propose would be administered periodically (but not necessarily annually) by a qualified person chosen

by the parents. (Tr.p.16).

- Mr. and Mrs. Thifault are born-again Christians whose initial decision to home school their daughter was based on the fact that "home schooling represents a necessary part of (their) worship of God" (Ex. I).
- While Mr. and Mrs. Thifault have cooperated with the School Department and provided school administrators with information concerning their home-schooling program, they do not believe the state has the right to approve or disapprove their proposal. (Ex. I).
- Mr. Thifault identified educationally-based reasons for his preference that Molly be tested periodically, at home with either the Iowa or Peabody test, administered by a person of their choice. He testified that the preference for their test selection and testing conditions was based on a) a more beneficial testing environment, b) a better "match" of test to the curriculum used by the Thifaults (Tr.p.12 and 17) and use of a test recommended by their curriculum providers (Tr.p.35), c) Molly's progress is adequately measured by less-than-annual standardized testing (Tr.p.27-29).
- Mr. Thifault identified the religious bases for the Thifaults' refusal to accede to condition Number 6 as a) it would be a sin to relinquish control of Molly's testing to school administrators (Tr.p.17),

2] By letter dated April 17, 1989 from the Thifaults' attorney to this Hearing Officer, the Thifaults indicated further that the qualifications they would consider in their selection of the test administrator would be whether Molly was familiar and comfortable with the person and whether the person was a certified teacher in Rhode Island. They do not consider the latter to be a requirement.

- b) yielding to the School Committee's requirements would require the Thifaults recognition of secular authority in religious education. (Tr. 40).
- Expert testimony of Dr. Robert A. Shaw established that if administered on an annual basis rather than periodically, the parents' proposal in regard to testing would enable public school administrators to make an assessment of whether the at-home educational program is thorough and efficient (Tr.p.43-44).
 - The North Smithfield School Department administers the Metropolitan Achievement Test to its students because it is part of the Department of Education's mandatory testing program. (Tr.p.47-48).
 - If one wished to do so, one could correlate the results of the Iowa Test to the Metropolitan Achievement Test in "rough terms" only, because they are not exactly compatible as they test slightly different content. (Tr.p.57).

Decision

3

This case is one of three recent appeals brought to the Commissioner involving interpretation and application of R.I.G.L. §16-19-2, providing for local school district approval of home instruction programs. As indicated in our factual findings, Mr. and Mrs. Thifault's home schooling proposal was not accepted by the North Smithfield School Committee in the form submitted. It was approved conditional upon six (6) contingencies, the last of which, the imposition of standardized testing procedures, gave rise to this appeal. The parents take the position that the school district's

3] The other two cases are Gargano vs. Exeter-West Greenwich School Committee and Gauvin vs. Scituate School Committee.

testing requirements impermissibly go beyond the standards for approval as set forth in the statute. In addition, their claim is that conditioning approval of their home education proposal on these testing requirements infringes on their First Amendment right to free exercise of religion, since yielding to these conditions (with which they disagree) would turn control of their child's education over to the local educational authorities.

Although no representative of the School Committee testified at the hearing, we understand the Superintendent's insistence on the administration of the MAT6 Test to be based on the fact that it is this test which is administered to all public-school students in the district, and based on his reading of prior decisions of the Commissioner on the issue of standardized tests. He determined that administration of the same test is required. We have no indication in the record as to why the School Committee additionally requires that this test be administered in school as opposed to the home and by a representative of the School Department.

For reasons which we will set forth in detail, we sustain the parents' appeal in part, since the record in this case supports the conclusion that the parents' choice of a standardized test and site for administering the test should furnish the school officials with sufficient information on which to

4] In his letter of October 15, 1987, Superintendent Shunney encloses a copy of Brennan vs. Little Compton, Commissioner's decision dated January 7, 1987, which upheld a school committee's requirement that the home-schooled children be "tested by the same test as is administered to their peers in the public schools (Brennan, supra, pg. 3)

5] It may not, however, prove to be a sufficient or accurate measurement of the thoroughness and efficiency of the home-schooling program, and if this should prove to be the case, the school officials should not be constrained in the future by our decision here from requiring alternate and additional measures to assess "thoroughness and efficiency" of the program.

assess the thoroughness and efficiency of the home instruction program. Furthermore, should school officials find it necessary or helpful in evaluating this home instruction program to compare the Thifault child's test results to children at her grade level in the public schools, testimony in this case indicates they could do so even though the MAT-6 Test and Iowa Test are not "exactly compatible" (Tr.p.57). The School Committee's condition as to testing is rationally related to, and in furtherance of, its compelling state interest in ensuring an adequate education. However, we rule that the School Committee is required here to show that its condition is both essential to and the least restrictive alternative available to accomplish this interest, because the parents' compliance with this condition would burden their practice of religion. This case does require a reexamination of our ruling in the Brennan case, supra, at footnote 4 to some extent, especially since school districts are apparently interpreting Brennan to require that all home-schooled children be administered the same standardized test as that administered to public school children in the district. However, it must be noted that this case is distinguishable from Brennan on both the facts (testimony in Brennan was that the scores on the different standardized tests could not be correlated) and the law (no First Amendment claims were raised by the parents in the Brennan case).

As we have noted, this case requires both interpretation of R.I.G.L. §16-19-2, application of the statute to facts and consideration of complex constitutional claims as well. We will deal with the question of construction first.

The parents allege that the condition of standardized testing, in any form, cannot be imposed on them as it is not mentioned in any of the standards for approval explicitly set forth in §16-19-2. (Appellant's Memorandum at p.14). While we are familiar with state statutes governing home instruction which are specific as to both elements of the "approval process" as well as the mechanisms to be used to determine that the program meets minimum educational standards, we are also aware of those such as Rhode Island's that are silent on both the process and the specific mechanisms to be utilized to assure that the home-educated child is being properly educated.⁶ Implicit in a statute such as ours, are both a reasonable approval process, and the imposition of requirements as conditions for approval, to ensure that the state interest is protected. Thus, the statute's silence in this regard does not preclude, as the appellants have argued, school districts generally from imposing certain testing requirements shown to be reasonably related to determining the "thoroughness and efficiency" of the home instruction program.

Because neither the approval process itself nor the mechanisms for measurement of thoroughness and efficiency of instruction are set forth by statute, those involved in the home instruction process in Rhode Island benefit from the flexibility to accommodate, when possible, the preferences

6] For an example of a specific statute see the statutory scheme in Arkansas (Ark. Code Ann. §§6-15-501 -6-15-507) discussed in Murphy v. State of Arkansas, 852 F.2d 1039 (8th Cir. 1988). For a statute much like our own, see Massachusetts G.L.C. 76 §1 and the recent case of Care and Protection of Charles, 504 N.E.2d 592 (Mass. 1987) in which the Supreme Judicial Court of Massachusetts found home-schooling to be governed by the statute regulating private schools.

of parents for certain mechanisms for measurement as well as the flexibility enjoyed by school officials to require in the appropriate case several different measurements or methods to be used at the same time. Of course, it is precisely this flexibility, and the differences of opinion that may result, which also give rise to disputes such as the case before us.

The second interpretive issue is whether or not the statute requires the school district, in assessing the "thoroughness and efficiency" of the program, to compare the home-schooled child to his/her peers in the public school. We must note a distinction between our statute and, for example, those of New York and Massachusetts. The compulsory education statute in New York (§3204 of New York's Education Law) requires that educational services provided to a minor "elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides. . .". The comparable Massachusetts statute (G.L.C. 76 §1) provides that:

For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town.

(Note that this statute has been ruled applicable to approval of home instruction programs in Massachusetts).

7] Prior decisions of the Commissioner have either explicitly or implicitly endorsed the use of concensual home visits, lesson plans, submission of progress reports, work samples, standardized testing and other test instruments as well.

8] Perhaps in cases where the child's record of progress is poor or when the achievement of even minimal educational standards is in doubt.

While the Rhode Island statute on home school approval requires:

For the purpose of this chapter a private school, or at-home instruction, shall be approved only when it complies with the following requirements. . . that reading, writing, geography, arithmetic, the history of the United States, the history of Rhode Island, and the principles of American government shall be taught in the English language substantially to the same extent as these subjects are required to be taught in the public schools, and that the teaching of the English language and of the other subjects indicated herein shall be thorough and efficient; . . .

Although our statute requires equivalency in terms of teaching the required subjects, (among other things) it does not require that the "thoroughness and efficiency" with which these subjects are taught to be "equal" to or even "substantially equivalent" to the instruction given to children in the public schools in the district. However, even though the statute does not require comparisons of progress or achievement of home-schooled children to children in the public schools, it may very well be that in a given case this comparative information is exactly what the school officials need to assess the thoroughness and efficiency of the home education program, especially if the program has been ongoing for a number of years. Thus, while the language of the statute does not require comparisons, it is certainly legitimate for a school committee to make such comparisons, and require the underlying information needed to make those comparisons, i.e. administration of the same standardized test to both sets of children or tests with scores that could be correlated.

9] As measures of the equivalency of the instruction or educational services provided, or of the "progress made therein".

In light of the foregoing interpretation of our home-schooling law, it should be clear that the issue in this case cannot be resolved by reference to our statute alone. We must determine whether or not in this instance the School Committee may legitimately insist on the MAT-6 Test, administered under the conditions set forth in Ex.II as a prerequisite for approval using a balancing of interests test. The School Committee's interests must be weighed against the interest of the parents in conducting a home-schooling program and testing environment that they feel is in the best interests of their child.

School committees are delegated substantial responsibility under our state statute, and with this delegation, the Legislature has given specific requirements which must be met before approval can be given. Not the least of these is the determination that the child is receiving thorough and efficient instruction. In fact in ruling on the importance of this function, courts have uniformly found that making certain that children receive an adequate education is a compelling state interest, perhaps the most important function of state and local governments".

On the other hand, there is no uniformity of legal opinion as to whether parents have a fundamental, constitutionally- based right to

10] That is to say, our interpretation that §16-19-2 neither precludes nor requires the administration of the same standardized test administered to children in the public schools.

11] New Life Baptist Church Academy v. Town of East Longmeadow, United States Court of Appeals, First Circuit, 885 F.2d 940 (1989 1st Circuit at 944.

12] Brown v. Board of Education, 347 U.S. 483,493, 74 S.Ct. 686,691, 98 L.Ed. 873, 880 (1954).

educate their children at home. We recognize that comments contained in our past decisions have indicated our belief that the right to home-school one's children in Rhode Island has both statutory and constitutional origins.¹⁴ Since there is such divergence in legal authority on this issue we think it inappropriate to rule on whether, standing alone, the right to home-school is a fundamental right under the federal Constitution. It is also unnecessary for us to rule on this issue because the parents have premised their claim here on the First Amendment guarantee of freedom of religion as well.

We are satisfied from our review of the case law and the testimony before us that the approval process, particularly the fact that it would require the Thifaults to accede to testing requirements with which they do not agree, would constitute an indirect burden on their sincere religious beliefs, which dictate they and they alone must direct their children's

13] See discussion of this issue at pp.135-137 of Blackwelder v. Safnauer, 689 F.Supp. 106 (N.D. New York 1988) in which the District Court in New York indicated its uncertainty as to whether a strict scrutiny analysis was appropriate: note 2, p. 634 of State of North Dakota v. Patzer, 382 N.W.2d 631 (1986) and p.1043 of Murphy v. State of Arkansas, 852 F.2d 1039 (8th Cir. 1988); and Care and Protection of Charles, 504 N.E2d 592, 598, (Mass. 1987) in which the Court ruled that parents have a basic right under the Fourteenth Amendment to direct the educational upbringing of their children subject to reasonable government regulation. Note 8, p.598.

14] See footnote 15 at p.6 of Humble v. Middletown School Committee, Decision of Commissioner of Education, August 14, 1985 and our reference to a "constitutional right" to educate one's children at p. 8 of the Commissioner's decision in Payne v. New Shoreham School Department, September 15, 1987.

education and all its components. In a First Amendment case, the burden then shifts to the School Committee to show that administration of the standardized test it prefers (the MAT-6) in the setting and under the conditions set forth by the Superintendent, is the least restrictive means of achieving the compelling state interest.

The decision of the First Circuit Court of Appeals in the New Life case, supra and its analysis of "least restrictive alternative" is our guide in determining what accommodations to the parents' religious beliefs are required here. We are bound by, and apply in this case, the three-part test set forth by the First Circuit in the New Life case. The

15] In the case which would have been of most assistance to us on this issue, Murphy v. Arkansas, supra, the parties stipulated that the statutorily-based testing requirements burdened the plaintiffs' sincerely-held religious beliefs; however, we find legal support for this ruling in the First Circuit's ruling in New Life Baptist Church v. Town of East Longmeadow, supra; the First Circuit accepted the district court's finding that the School Committee's proposal would burden the Academy in exercising its religious beliefs. The District Court had stated:

It has long been recognized that there is a significant burden imposed by official actions which compel an individual to acknowledge the authority of the state when it is contrary to his convictions to do so.

New Life Baptist Church Academy v. Town of East Longmeadow, 666 F.Supp. 293 (1987) at p. 314.

16] To summarize the elements of the analysis (1) balancing of the compelling state interest against the probable burdens upon religious freedom (2) determining the extent to which accommodation of religious belief will interfere with achieving the state's compelling interest and (3) determining if accommodation of the belief (when combined with the precedential effect of a rule of law that would give similar rights to control administrative detail to others with different beliefs) may significantly interfere with the state's ability to achieve its educational objectives.

EXHIBIT #8
DATE 2-18-91
HB 533

dispute here centers around choice of standardized test, rather than the administrative method per se. The parties have agreed that a standardized test is an appropriate tool to measure the adequacy of the instruction given to these home-schooled children. The record indicates that either standardized test would provide essentially the same evaluative information. Since the school administrators can make the necessary educational judgments from the parents' standardized test, no interference with achievement of the compelling state interest is posed by accommodation of the parents' religious beliefs. The focus then becomes the first and third elements of the three-part New Life test for "least restrictive alternative", i.e. balancing of the state interest against the probable burden on religion and determining if accommodation would result in "multiple administrative accommodations" that would make it difficult for the state to implement a coherent system of furthering the compelling interest in educational quality. (See: New Life 885 F.2d 940, 949). In the facts of this particular case, we cannot discern the presence of any administrative burdens placed on the School Committee by accommodation of the parents' choice of standardized test. Thus, we do not find the School Committee's test choice to be the "least restrictive alternative". We draw the same

17

17] The federal standard for approval of private schools is set forth in New Life Baptist Church Academy v. Town of East Longmeadow, 885 F.2d 940 (1989). This is the standard we apply in evaluation of private schools. With regard to the approval of private schools the Circuit Court points out that:

. . .if it is too easy for religious groups with different religious beliefs to force (perhaps through time consuming litigation) differing, say, costly or complex, administrative accommodations with too little reason rooted in their religious faiths, then a rule of law that too readily requires such multiple administrative accommodations can itself become a rule of law that prevents the state from offering the welfare or educational or other "compelling" program.

conclusion with regard to the School Committee's requirement that the children be tested at school, rather than in their customary educational setting, their home.

However, the record before us contains testimony from the parents' own expert, Dr. Shaw, which supports the School Committee's requirement that the standardized test be administered annually in order to give the School Committee the necessary feedback on progress of the children.

Conclusion

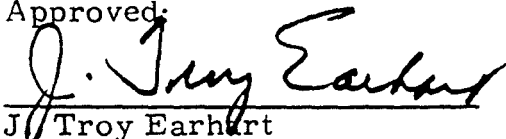
The parents' appeal is sustained as to choice of test and test site. Their appeal is denied as to the School Committee's requirement that the test be administered annually. This matter is remanded to the School Committee for reconsideration of the parents' proposal consistent with this decision.

On reconsideration of the proposal, we urge the parties to come to agreement on the issue of who would administer the tests to these children. It seems essential that the School Committee retain the right to approve the identity of the test-giver and the person's qualifications to administer a standardized test, if the administration of the test is not to take place in the public school.

footnote 17 continued

We think, however, when the issue is one of a family educating a child at home, each case by its very nature must be judged on an individual basis. We, therefore, see the balance tipping in favor of requiring more accommodation in such cases than would be at all appropriate in running a statewide program of school approval.

Approved:


J. Troy Earhart

Commissioner of Education

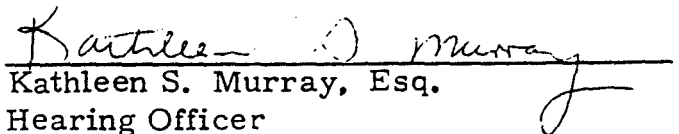

Kathleen S. Murray, Esq.
Hearing Officer

EXHIBIT #9
DATE 2-18-91
HB 533

TO: Chairman Ted Schye,
House Education Committee

FROM: Bryan L. Asay,
Montana Coalition of Home Educators

RE: HB 533

February 17, 1991

This bill would require that children educated at home under current Montana law be "assessed" by the school district — an entity which at this time has no legal connection to home schools. The bill asserts that home taught children must be assessed "pursuant to rules adopted by the board of public education under 20-2-121." The Board of Public Education also has no legal connection to home schools.

Section 20-2-121(12), (1987), provides that the Board of Public Education shall "adopt rules for assessment in the public schools." The Board has adopted rules pursuant to 20-2-121, beginning at ARM 10.56.101. That rule states that the rules were adopted "for student assessment in the *public schools* and those *private schools seeking accreditation*." **Home schools in Montana are neither "public" nor "seeking accreditation."**

The Board of Public Education has no legal tie to home schools. Article X, § 9, (3) of the Montana Constitution establishes the Board:

There is a board of public education to exercise general supervision over the *public* school system and such other *public* educational institutions as may be assigned by law.

The Constitution grants no authority to the board of public education to act with regard to home schools in Montana and none should be implied or improperly assumed by virtue of HB 533.

If the Board would assume authority under the argument that it must guarantee "equality of educational opportunity" to all students, then **the Board must be prepared and able to assume all liability for home education.**

The Board similarly must be prepared to show conclusively that its students in the public schools receive an opportunity equal to or greater than that of students educated at home by their parents. Testimony presented today will indicate that the public system should be slow to assert such a comparison.

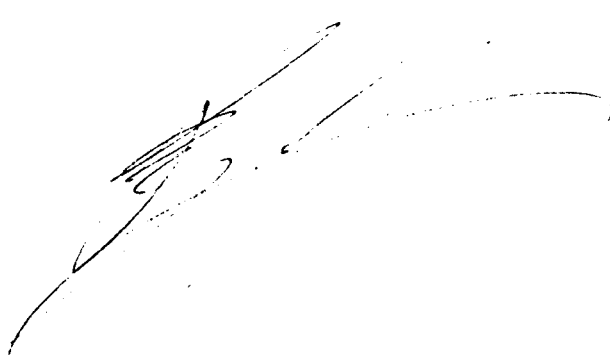
It should be noted that the Board, at 10.56.101(2), recognizes that the "*primary purpose of student assessment is to improve the quality of education....*" MSBA, however, presents this legislation as a way to identify its horror stories — hardly a positive "improvement-in-the-quality-of-education" purpose. **HB 533 is punitive in nature and intent.**

The rule, at 10.56.101(2), recognizes correctly that **norm-referenced tests "are not designed to measure local programs;** therefore, local school districts are encouraged to develop other *"appropriate school and classroom assessment tools to measure ... the level of individual student achievement."* **What MSBA believes is good for home educated students (norm-referenced standardized tests for purposes of local assessments) is not necessarily good for its own students.** Norm-referenced tests, as recognized by the Board of Public Education, are "useful to know how Montana students **generally** compare to students from other states" — not to compare one student to another or to measure either a local or home based program.

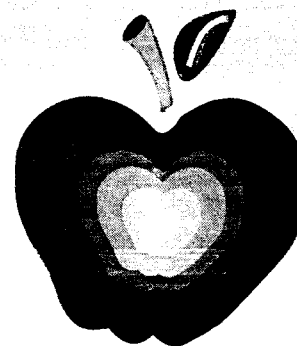
In a recent letter to Mrs. Danita Hane, an executive member of MCHE, Mr. Alan Nicholson, a member of the Board of Public Education, addresses this ARM and concerns raised by the bill. A copy of the letter accompanies this testimony (by Mr. Nicholson's permission). Mr. Nicholson states that **home taught students simply could not be subject to the "day to day and ongoing assessment" anticipated by the local assessment provisions of the ARM.** It is obvious as well that norm-referenced tests cannot be used to measure the effectiveness of a local program. A home school is most definitely a "local" program.

HB 533, contrary to stated intentions, is punitive in nature and effect. MSBA wants to identify the "bad apples", the isolated and unsubstantiated horror stories that may exist in the home school setting just as they do in the public school setting. **If HB 533 becomes law, home educated students will indeed be abused — they will be abused by the very law put in place supposedly to protect them.** The Montana Coalition of Home Educators suggests that the proponents focus their energy and enthusiasm toward the public education system — a system wrought with problems of its own.

If MSBA and other proponents of HB 533 ever decide they would like to take a positive and knowledgeable approach toward the education of Montana's children at home, in a true spirit of cooperation, MCHE remains most willing to talk.

A handwritten signature in dark ink, appearing to be 'Alan Nicholson', written diagonally across the page.

A Nationwide Study of Home Education



- *Family Characteristics*
- *Legal Matters*
- *Student Achievement*

LINDA COLLINS IN OPPOSITION TO HB 533
FEBRUARY 18, 1991

Mr. Chairman and House Education Committee Members:

HB533 is based on the premise that increased governmental control of home schooling families will solve "problems." Yet proponents of this bill have admitted to us that it is a "perceived" problem, not a proven one. This bill is a solution without a problem.

So far, there has been no documented case of a failing home schooling family, yet rumors and hearsay are used to justify governmental intervention. The favorite argument of the opposition is about the "bad apple" in the barrel that makes restrictive laws necessary. Let's discuss these bad apples.

First, who are they? Usually it's some third-hand story that, when it is tracked down, turns out to be the product of prejudice or misunderstanding. In 1987 a legislator from Malta claimed that his home schooling neighbors were not teaching their children math, and used that "fact" to justify the "need" for more controlling laws. When the bad mother offered to come to Helena to testify before the education committee about her school program, everybody backed down. Yet, that family is STILL being used as the bad apple that justifies stronger laws.

Every legislative session finds us backed up against the wall by more intrusive legislation. We have compromised before - but must we continually compromise in every session? We want to do our job in peace. We are frustrated and puzzled that we have to leave home to come battle this misguided and poorly reasoned legislation. In America we're innocent till the proof shows otherwise. It's a terrible miscarriage of justice to pass intrusive legislation based on anything less than proven fact.

Exhibit 12 consists of a 36-page study. The original is available at the Montana Historical Society, 225 N. Roberts, Helena, MT. 59601. (Phone 406-444-4775)

EXHIBIT #13
DATE 2-18-91
HB 533

**A NATIONWIDE STUDY OF HOME EDUCATION:
FAMILY CHARACTERISTICS, LEGAL MATTERS, AND STUDENT ACHIEVEMENT**

Brian D. Ray, Ph.D.

National Home Education Research Institute
25 West Cremona Street
Seattle, Washington 98119

Copyright (C) 1990 by Brian D. Ray
(revised December 1990)

Exhibit 13 consists of a 59-page study. The original is available at the
Montana Historical Society, 225 N. Roberts, Helena, MT. 59601
(Phone 406-444-4775)

EXHIBIT #12
DATE 2-18-91
HB 533

HOME EDUCATION IN MONTANA:
FAMILY CHARACTERISTICS AND STUDENT ACHIEVEMENT

Brian D. Ray, Ph.D.

National Home Education Research Institute
25 West Cremona Street
Seattle, Washington 98119

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Testimony to House Education Committee regarding mandatory testing for home schooled children by Julie Bullard.

I am very concerned about mandatory testing for home school children for the following reasons.

1. **The most appropriate use for achievement tests is to look at trends in large groups of children. As the group becomes smaller the scores become more inaccurate. When you look at an individual child the test scores are very imprecise. For example, in reviewing the achievement test that my daughter took last year in public school, I found that she scored in the 69th percentile in math computation. However, the confidence band which was also listed on her profile indicate that there is a 68% chance that her true score is somewhere between the 53rd percentile and the 85th percentile. There is a 33% chance that her score does not even fall within this 32 point percentile range.**
2. **Many professional organizations have made statements against standardized testing, including the National Education Association (NEA), National Association for the Education of Young Children (NAEYC), National Council of Teachers of Mathematics, The National Council of Teachers of English, The National Association of Elementary School Principals, and the National Research Council. They are extremely concerned about what the tests are assessing.**

Tests often emphasize the regurgitation of isolated facts rather than integration of ideas or generation of ideas. For example they often test reading readiness, not reading. (Julia Palmer, Executive Director, American Reading Council)

"They focus time, energy and attention on simpler skills that are easily tested and away from higher-order thinking skills and creative endeavors. They focus on basic skills, not on critical thinking, reasoning or problem solving." (Walter Honey, George Madaus, Phi Delta Kappa, May 1989, 683-89)

Standardized tests are constructed to conform to instructional programs with pre-determined objectives and materials through which everyone is expected to work. Tests have less relationship to programs that stress high levels of individualization and flexibility of objectives, matters that typically relate to higher order thought. (Achievement Testing in the Early Grades, Vito Perrone, National Association for the Education of Young Children, 1990). This is of special concern to home school parents, many of whom are home schooling so that they can individualize curriculum.

Professional organizations are also concerned that teachers will begin to teach to the tests thus reducing the quality of education in the United States. It appears that these concerns are true. A recent article in Phi Delta Kappa (an education journal) stated that "school systems in 13 states and the District of Columbia are seeking to "align" their curricula so that students do not spend hours studying materials on which they will never be tested - regardless of the value of those materials or the benefits that students might derive from studying them. (Monty Neil, Noe Medina)

"The national research council (1989), representing the work of the Mathematical Sciences Education Board, the Board on Mathematical Sciences, and their joint Committee on the Mathematical Sciences the Year 2000, described the negative effects of achievement testing on mathematics instruction:

Tests become ends in themselves not means to assess educational objectives. Knowing this, teachers often teach to the tests, not to the curriculum or to the children.

Tests stress lower - rather than higher order thinking, emphasizing student responses to test items rather than original thinking and expression.

Test scores are sensitive to special coaching...

Timed tests stressing speed inhibit learning for many students...

Tests provide snapshots of performance under the most stressful environment for students rather than continuous information about performance in a supportive atmosphere." Kamii, 1990

3. **Achievement tests because of their limited number of items are not helpful in planning future curriculum.**

"Achievement test batteries have been traditionally designed as survey tests. That is, they provided a general, overall measure of the various areas of the curriculum. There usually were too few items measuring each skill, however, to provide much help in making instructional decisions." (Measurement and Evaluation in Teaching, Gronlund, 1985)

4. **Standardized testing often causes anxiety in children.**
As a public school teacher I have seen children cry during tests, become so frustrated they tore up the test, say they were stupid as a result of the test and

get physically ill. These reactions occurred even though the tests were administered in a surrounding the children were comfortable with, by someone they knew and trusted. The child knew he would not be held back or promoted on the basis of this test, nor would his grades be influenced by this test. **This stress reaction would be magnified in home schooled children.** The test would be administered by someone they did not know in an environment they were unfamiliar with. In some cases this may even be a hostile environment. The home schooled child may not be used to taking tests or working in a large group of children. In addition, children and parents may feel that the quality of the education the child has received may be judged on the basis of this test.

5. As a home school parent I am also concerned about how results of mandated tests might be used. The child we are home schooling has a learning disability. He has always scored in the lower percentiles on standardized tests. In examining his past tests, I found that his percentile scores dropped every year for the first four years of his public schooling. The public school had not informed me of this. I don't think they were aware of it. I would find it very discriminatory if now that our child was being home schooled we as teachers would be viewed as doing an inadequate job because he scored in the lower percentiles or because his scores dropped from one year to the next when these same standards did not apply when he was in the public schools.
6. As an educator and as a parent I am extremely concerned about children who fall through the cracks whether they are in public school, private school or home school. **However, standardized tests will not prevent children from falling through the cracks.** Public schools have been administering standardized tests for many years. But, we still have a 29% national drop out rate, an illiteracy rate that is growing by 2.3 million persons per year, and according to the US Department of Education 35% of 17 year olds are unable to write acceptable letters of applications for jobs.

In summing up I would like to emphasize what standardized tests can and cannot do. They can not be used to plan curriculum. They can not be used to give accurate information about individual children. They can not prevent children from falling through the cracks. But they can cause extreme stress for home schooled children and their families. They can cause home schoolers to begin to stress lower level thinking and regurgitation of facts so that children will do well on tests. They can cause the state extra expense and personnel time in administering the tests.

Testimony of R. Stephen White in opposition to HB 533

Mr. Chairman, members of the committee.

My name is Steve White. I am from Helena and a member of the executive committee of the Montana Coalition of Home Educators.

In the last session I was present in meetings held in Nancy Keenan's office regarding a similar bill pertaining to periodic testing of home school students. Present in those meetings were several legislators and Bob Anderson of MSBA. We compromised on three points:

1. We agreed not to fight their bill requiring assessment of students when they entered the public school from a home school situation if they would drop their "periodic testing of homeschoolers" bill.
2. We agreed not to fight the home school statute that was amended to require ANNUAL notification to county superintendents. Both changes (1 & 2) passed without opposition from us.
3. Homeschoolers would participate on a task force with legislators and public educators to gather information and discuss the issues. It was generally recognized that more information and a better understanding was essential, particularly for the legislature.

In early 1990, the Montana Coalition of Home Educators contracted with the National Home Education Research Institute in Seattle to compile test results from across the state, along with demographics to produce a report for public information. The completed study has been distributed to the media and has been entered into record regarding this bill. The results of the study demonstrate the success of home education in Montana.

The Montana Coalition of Home Educators has been working in many ways to improve communication with public educators. We have met with the county superintendents' organization, presented a workshop at the MEA convention, and worked with OPI. In these two years, not once has the Montana School Boards Association or School Administrators of Montana wanted to talk with us. When this legislation was being drafted, we requested a meeting with MSBA and they refused. We believe that better communication and understanding is important and have repeatedly expressed our willingness to talk. The only party bringing legislation against us is the group that has refused to meet with us.

I view this proposed bill as a very serious attack upon an educational system which has been working well in Montana. I encourage you to examine carefully available evidence regarding home education in Montana. I ask that you oppose this crippling legislation, HB 533.

February 18, 1991

To: HOUSE EDUCATION COMMITTEE

Re: HB533

My name is Danita Hane. I am a member of the Executive Committee of the Montana Coalition of Home Educators and my husband and I publish the GRAPEVINE, a statewide newsletter for homeschoolers. But today I want to speak to you as a home schooling mother.

Government intrusion into home schools is more than a matter of regulation; this is not a business or economic issue; this is a matter of the most basic and personal areas of people's lives. Some have told me that we must keep the discussion of home schools to facts and not emotions, but you must recognize that home education is based on the love and commitment of parents for their children and that our emotions are very much involved. We are not trying to protect our jobs or get the government to fund our special interests. We are trying to protect our children and our families. Many of us have seen what testing and labeling and pigeonholing children has done to our children's self-esteem; we have seen children defeated by it and some even commit suicide. We are also constantly being bombarded with the message that we parents are inadequate, incompetent, irrelevant and unnecessary in the raising of children. There is a great danger to the American family and our country if the family continues to be downplayed and despised. No institution, bureaucracy or social worker can effectively take the place of the family.

Mandatory testing of home-schooled children is an invasion of the privacy of the home and a challenge to the parent's responsibility and right to direct the education of their children. The Supreme Court has repeatedly protected the "power of parents to control the education of their own." [*Meyer v. State of Nebraska* 262 U.S.390 (1923); *Prince v. Massachusetts* 321 U.S. 158 (1943); *Pierce V. Society of Sisters* 268 U.S.510(1925); *Wisconsin v. Yoder* 406 U.S.205 (1972).]

Mandatory testing puts a different kind of pressure on home-schooled children and families than it does on public school students. There is always the question about how the test scores will be used? In the back of every parent's mind are the experiences of families in other states where parents have been jailed, children taken from the homes or the family's life disrupted by investigations for child abuse or neglect because of the decision to home school. In the back of my mind are my friends in MONTANA who were turned in for child abuse because they decided to home school. If you home school, you are automatically suspected of being a child abuser or neglecter. Some county superintendents have told homeschoolers that they need to bring their children to the superintendent's office periodically to be monitored for child abuse.

Why do public officials need the child's test scores and how will public school officials who receive the test scores of the homeschoolers use that information. One administrator suggested using low test scores to start child negligence proceedings; others have already stated that (OPI survey) that they want to ban home-schools, stop home schools, attempt to deny home-schools through legislation. I am very opposed to allowing them the opportunity to use my child's test scores to try to stop home education. Although it is now admitted that most home schools are doing an outstanding job, they

Assist Children, Policies Must Reinforce Traditional Family, Study Concludes

By E.J. Dionne Jr.
Washington Post Staff Writer

Policy specialists have discovered a new avenue toward helping the nation's increasingly beleaguered children. The Family.

What's new about this insight is that the experts, from the political left to the right, are focusing on how the policies of government and business over the last decades have made it harder for parents to rear children. They argue that any programs for children need to strengthen the two-parent family.

Their argument is at the heart of a new report to be issued today by the Progress Policy Institute, a think tank with close ties to centrist Democrats. Entitled "Put Children First," the report scores liberals and conservatives alike for failing to address strains on family life.

Additional conservative support for the report is largely rhetorical," write Elaine Kamarck and William R. Galston, the report's authors, in their introduction to the report. "Their disregard for the new

economic realities engenders a policy of unresponsive neglect—expressed, for example, in President Bush's misguided veto of the Family Leave Act.

"Conversely," they go on, "traditional liberals' unwillingness to acknowledge that intact two-parent families are the most effective units for raising children has led them into a series of policy cul-de-sacs."

Their conclusion: "Public programs cannot substitute for healthy families and should not try. . . . Given all the money in the world, government programs will not be able to instill self-esteem, good study habits, advanced language skills or sound moral values in children as effectively as can strong families."

The report reflects a growing consensus—it includes individuals as politically diverse as Sen. Daniel Patrick Moynihan (D-N.Y.) and House Minority Whip Newt Gingrich (R-Ga.)—that government policies, especially on taxation, have placed a growing burden on families with children. The consensus rests on a fundamental assumption: When it comes to influencing a child's chances in life, no institution matters as much as the family.

The centerpiece of the Kamarck-Galston report is a call to increase the personal income tax exemption for children from \$2,000 per dependent to at least \$6,000 and perhaps \$7,500. They also call for cutting Social Security taxes, which hit especially hard at middle-income families.

Kamarck and Galston note that while their proposed increase in the dependent exemption is large, it would only restore its value in real dollars to what it was in 1948. Then, they note that a family of four at median income level paid "a minuscule" 0.3 percent of its income in federal taxes. Today, a family at median income pays 9.3 percent.

Since a \$6,000 exemption for every dependent would cost the government about \$43 billion annually, Kamarck and Galston suggest that it be given initially only for children under age 4, which would cut the cost to \$10 billion. They argue that families of very young children need the money most, since it is in the earliest years that children need the most attention and when at least one parent usually wants to stay home.

To further cut the cost of the change, they say it could be limited to families earning less than \$64,000 a year, which is twice the median income. To help working poor families who pay little or nothing in federal taxes, they urge a "guaranteed working wage" through the Earned Income Tax Credit to raise all families with at least one working parent above the poverty level.

If government has failed to respond to the pressure on families, Kamarck and Galston also argue that the private sector likewise has been slow to act. They urge that companies establish family leave and flexible-time policies, provide care for sick children, offer parents time off to attend conferences with teachers and make it easier for employees who can do so to work at home.

In what is likely to be one of its most controversial proposals, the report suggests that "no fault" divorce laws be reconsidered and that more be done to collect child support from absent parents, usually the fathers.

They argue that while "no fault" divorce laws have been beneficial to couples without children, they have disproportionately

harmed children and mothers. Kamarck and Galston urge that divorce laws "be reformed to take into account the cost of motherhood to women's earnings capacity."

They also urge that child support programs be federalized. "Payments," they say, "would be collected by employers, just like Social Security [taxes], and remitted to the federal government, which would then send this money directly to the custodial parent."

In addition, Kamarck and Galston suggest that since the impact of divorce is especially severe on children, the law provide for "braking mechanisms" in cases where children are involved "that require parents contemplating divorce to pause for reflection." They argue that a nine-month waiting period would be reasonable.

Kamarck and Galston said that while their approach to family policy is "distinctly non-bureaucratic," it is "not cheap." But they argued that if government spent its money "alleviating economic stresses brought on by raising children," families themselves would be freer to do what government cannot do: "provide the kind of nurturance that children, particularly young children, need."



Board of Public Education

EXHIBIT #16
DATE 2-18-91
HB 533

BOARD MEMBERS

EX OFFICIO MEMBERS:

Stan Stephens, Governor

Nancy Keenan, Superintendent
of Public Instruction

John Hutchinson, Acting
Commissioner

APPOINTED MEMBERS:

Bill Thomas, Chairperson
Great Falls

John Kinna, Vice-Chairperson
Helena

Ronald Fernelius
Missoula

Anita Johnson
Lewistown

Sarah Listerud
Wolf Point

Alan Nicholson
Helena

Tom Thompson
Heart Butte

February 12, 1991

Ms. Danita Hane
Box 960
Seeley Lake, Montana 59868

Dear Ms. Hane:

This letter will confirm our prior conversation about the Board's rule regarding assessment (20-2-121) and House Bill 533 which seeks to require children enrolled in home schools to undergo assessments pursuant to this Board rule.

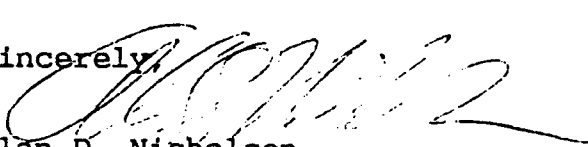
While it is not clear from the bill itself, the accompanying fiscal note clearly contemplates one time testing of home school children each year at the three grade levels at which the Board's rule requires annual norm-referenced (standardized) testing.

The Board's rule also directs schools to develop broad and varied assessment tools to assess their progress toward desired educational out-comes set by the schools themselves. This requirement was intended to go hand in hand with the revised standards and would involve day to day and ongoing assessment of student progress including, but certainly not limited to, traditional paper and pencil testing.

Your students, of course, could not be subject to this assessment process unless they were enrolled in the public schools. This creates a dilemma to say the least!

In any event, the bill should be clarified to reveal its obvious intent of only requiring annual, norm referenced testing of home school students at the average age of public school students at the three grade levels required in the Board's rule. This does not, unfortunately, give appropriate recognition to home school students who have been held back for various reasons and whose grade level attainment is less than that expected for their age. In the public schools, students don't take the tests until they are in the targeted grade levels regardless of their ages at the time. To be fair, this problem also needs attention.

Sincerely,


Alan D. Nicholson

ADN/bd

EXHIBIT

#17

DATE

2-18-91

HB

533

Testimony of Mark Gerber in opposition to HB 533

Mr. Chairman and members of the Committee. My name is Mark Gerber and I am from Billings.

Proponents of this bill are proposing standardized achievement tests at grades 3, 8 and 11 to be the "solution" in identifying those homeschoolers not getting "an adequate education."

This solution has not solved any problems in the public schools. Neither will it solve any of the proponents "assumed" homeschool problems. Less than two weeks ago, teachers and administrators in Billings held emergency meetings to address a problem which became apparent after 1st semester report cards were recently sent out.

The problem: **Almost 30% of all** the city's 9th graders failed at least one subject, and **between 10% and 15 of all** the city's 9th graders **flunked** the 9th grade first semester.

It is especially interesting that this problem was NOT identified just **one semester ago** when these same students, as **8th graders**, took the **very same** achievement test that you are being told is going to identify homeschool problems.

The point is **not** whether public schools have problems, or not. The point is this: The same testing procedure that did **nothing** to identify these public school problems will do exactly the same for homeschools -- **nothing**.

Why are homeschoolers concerned about testing? MSBA President Gary Griffith recently wrote, "This proposed legislation is a small beginning." ("President's Message" editorial, MSBA Bulletin, January, 1991).

Mr. Chairman and respected representatives, THAT is exactly what homeschoolers fear most.

Exhibits 18-69 are letters from home educators and others in opposition to HB 533. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

latures declined to assume the cost of funding these good acts. Instead, the new laws took the form of state-imposed mandates on municipalities, to be paid for out of property taxes. Legislatures had the right to do this because then, as now, state constitutions placed local communities under the power of state governments.

Mandates made people upset. One hundred and fifty years later they still do. When the state dictates to the city and town, critics object either that the content of the mandate is bad or that the content is fine but the dictator should foot the bill. The mandating power, these critics say, makes accountability impossible, places a financial burden on the lower governments, and offends the unwritten but powerful tradition of home rule.

True enough, but mandates have an overriding virtue: awkward in principle, they work in practice. Systems of government must somehow sort out responsibilities. In the American system the sorting out gets done by the U.S. Constitution and the constitutions of the various states, as interpreted by the courts, and by the U.S. Congress and the state legislatures. From the start, the public schools have been left to local communities to run—but the ground rules have been written elsewhere, and they have changed as the country and world have changed.

Those who insist that states fully fund their education mandates would lead us into the political bog, and soon be stuck themselves. Legislatures and Congress might respond by declining to set higher standards, which would be disastrous. More likely, these bodies would set the standards, assume the costs—and then extend their influence even further, into day-to-day policy-making, which should be left to local people. Full funding would have the effect, ironic for the locals who demanded it, of leading inexorably to more state encroachment and oversight. It is an axiom of political finance, and probably of human nature: If you pay for it, you will want to run it. It follows that if a healthy measure of control over schools is to remain at home, local officials must live with mandates, and without insisting on full funding.

One is able, then, to lay one's hands on a blunt but historically effective tool of change: the mandate. One can envision the pattern of change, true to federalism and the maxim of Louis Brandeis: a leapfrog trail from one state to the next, as each works out the problems of persuasion, politics, and finance. One can describe several elements of change. A longer school year should be phased in over some period, because time will be needed to plan, and because local governments cannot tax their citizens into penury, even when mandated to do so. Stepped-up revenue-sharing should come from state legislatures, because while full funding of the mandate is

neither possible nor desirable, a generous partnership is.

And one must insist upon some help from the federal government. The Chief Executive of the United States must be asked to be the education President he says he wants to be, and to sponsor and sign into law a program of federal aid to school districts as they switch to a longer year. The federal government's tax base is broad enough to help finance the expansion of the school year. Nothing is more critical to national security in the post-Cold War era than schooling our children, yet education's share of the federal budget in fiscal year 1990 was an abysmal 1.9 percent. The issue here is priorities, not capabilities. The question, as the old saw goes, is not whether we can afford to do it but whether we can afford not to.

While a broad-based movement builds, more immediate levers of change present themselves. If civic or political leaders are determined to see a 220-day school year in their state by the year 2000, they might begin by raising private-sector and public-sector matching funds to extend the year for ten or so medium-sized districts, spread among the poor, the middle-class, and the well-to-do. And if this arrangement does not work, a handful of affluent districts can take the plunge on their own, using their taxing power and their long-standing prerogative to go beyond state minimums in setting the local school year. This would be financially feasible in the short term and politically formidable in the long term. In my own state of Massachusetts, what Lexington does today, Concord will feel impelled to do in relatively short order.

Some will hesitate, in the well-intentioned belief that the school year should not change for any district until it changes for all. But, as a matter of tactics, this is not shrewd. The issue is not whether all schools change to 220 days; the issue is whether no schools whatsoever change, depriving us of the chance to get the process started. Once the trend begins in earnest, the courts or the legislatures will come under mounting pressure to do the right thing by poorer communities. In the past two years the supreme courts of New Jersey, Kentucky, Texas, and Montana have handed down landmark decisions on inequities in the financing of rich and poor school districts. If the aim is social justice, it becomes important to set a longer school year as the standard of record, even for a handful of wealthier districts, so that poorer districts can then be brought up to par.

Find a way to begin the process, and watch it build on itself. Who will abide having his children receive forty fewer days of education every year than the kids in the next town over? For that matter, who will abide, for much longer, having her children receive less education than the kids in the country the next continent over? The world is shrinking. Change is inevitable. It is only a matter of time. □

The historical prints and photographs of American schools and schoolchildren which appear throughout this article were obtained from the following collections: Culver Pictures, Inc. (pages 80, 81, 90, 97, 104, and 105); The Bettmann Archive (page 87); and The Granger Collection, New York (page 96).

EXPLANATION/JUSTIFICATION

By increasing the amount of time students spend in school from 180 to 200 days, the expectation is that not only will students learn more, but that more students will learn to excel.

More productive time in school will enable Maryland to meet a number of its state goals for the next decade. It will hasten progress toward:

- * gaining and maintaining rank among the top five states in the country on comparisons of student achievement;
- * achieving universal functional literacy; and
- * achieving goals for satisfactory and excellent performance on state-developed assessments of mathematics, science, reading, social studies, and writing and language arts.

Historically, a clear precedent exists for lengthening the school year to meet emerging goals in education and the economy. The current standard of 180 days did not become a norm for American students until after the industrial expansion in the 1940's. By contrast, the mean length of the school term in the agrarian economy of the 1890's was 142 days in the North and West and 89 days in the South.

Internationally, there are also many interesting precedents for this strategy. Of the industrialized nations of the world, only Belgium has a shorter school year than the United States. In 1983, the National Commission on Excellence in Education noted that England and many other industrialized countries have a typical school year of 220 days compared to the American norm of 180 days. Based on its review of the data, the commission recommended that legislatures and school districts strongly consider 200 to 220 day school years.

The National Commission on Excellence also called for numerous improvements in the quality of instruction. In this regard, the value of extending the school year by 20 days is predicated on its being "accompanied by changes in current structures and programs that make schooling more effective" and "corresponding changes in school management, curriculum, and instruction". Once this premise is accepted, there is much supporting evidence that extra time can translate into better learning. The U.S. Department of Education's What Works states: "How much time students are actively engaged in learning contributes strongly to their achievement."

There are many potential benefits of an extended school year when it is accompanied by appropriate restructuring of teaching and learning. An extended school year can provide time for in depth treatment of subjects, for multiple application of concepts, for interdisciplinary study, and for hands-on learning through laboratory, work study, and community service experiences. Approaches of this type are recommended for students of all ages and achievement levels.

A longer school year can also contribute toward greater retention of learning. It would shorten the usual three month summer vacation that now disrupts the continuity of instruction for most children. Further, a longer school year would enable teachers to limit the time they spend reviewing old material in the fall and make more time available for new learning. Additional summer schooling or a longer school day are particularly recommended for at-risk students.

HISTORY

In Maryland, the statute, Article 7-103, requires that schools be open for 180 days and a minimum of 1,080 hours. The first statute requiring that all Maryland public schools be open not less than 180 days was enacted in 1957. The statute was amended in 1982 to include the 1,080 hour requirement.

Although Maryland's statutory school year is currently 180 days, many students are already engaged in additional instructional opportunities. For example, most school systems currently offer summer school courses (make-up and remedial) for students. Many school systems also offer enrichment opportunities, such as non-credit programs for the gifted and talented, as well as a variety of other courses for credit. Some systems provide opportunities for community service and residential camp type experiences. In addition, most school systems offer "appropriate assistance" courses specifically designed to help high school students meet the Maryland functional testing requirements for graduation.

LEGAL APPROVAL

See attached.

FISCAL ESTIMATE

Local school systems will need considerable planning time and assistance to prepare the instructional program and the operational and capital budgets in response to this state strategy. They will also need time to renegotiate contracts with employee unions.

The average operational cost of each additional day beyond the current 180 day standard would be less than the current per diem cost, because a number of the necessary costs involved in operating schools are unaffected by the length of the school year. Using FY 89 as a base, the average cost per pupil was \$5,047 or \$28.04 per day. An analysis of the recurring expenditures by budget category indicates that each additional day would cost 69.6% of the current per diem cost or \$19.52 for each pupil. The expenditure for an additional 20 days would increase the annual cost per pupil by 7.7% or \$390.40. This figure equates to a total cost of \$268,307.000.

(JP27)

EXHIBIT #69A
DATE 2-18-91
HB 694

EB- 7-91 THU 10:59 MD. DEPT. ED. SUPER. OFF P.03

in reference to state specified standards for satisfactory and excellent performance. Local school systems may have additional standards. Extension of the school day will allow for increased instructional time to help all students to better meet state and local academic requirements and standards.

Population:

All students, K through 12th grade.

Content:

Current curriculum in all content areas.

Structure:

The time students spend in school will be increased to a minimum of 7 hours and 30 minutes at all levels of schooling: elementary, middle and junior high, and high school. Time spent on co-curricular or other activities will not change.

Standards:

State standards in data-based areas and course and testing requirements for graduation.

9

Provide more instructional time by extending the school year from 180 days to 200 days and by exploring alternative school calendars.

RATIONALE

Educational progress, as measured by student competencies, is directly related to time spent on instruction. The current nine-month school term was established nearly 50 years ago when the requirements for citizenship and employment were significantly different than today. In order to protect our democracy and standard of living, the school term must be increased to provide more educational opportunities to meet the demands of society. The state's first Superintendent of Public Instruction, Calvin Wiley, in 1854 urged a ten-month school term. If a 200-day or ten-month term is implemented by 1998, it would be put in place 144 years after it was first proposed by Calvin Wiley.

STRATEGIES

The Superintendent proposes increasing the number of instructional days in the regular school term from 180 days to 200 days, phasing in the extension over the next four bienniums (1991-93, 1993-95, 1995-97, 1997-99). Five days would be added during the second year of each biennium. Action would be taken during the long session of the General Assembly in the odd-numbered years for implementation in the fall of the even-numbered years. Therefore, the 200-day term would begin in September 1998.

IMPACT

Adding 20 days to the school term would increase time for instruction by 11 percent or 260 days over the K-12 grade span, the equivalent of nearly another year and a half more than today's total school term. This time would provide opportunities for enrichment and remediation, as well as for additional curriculum offerings. It would also promote teaching as a full-time profession, providing, in essence, year-round employment.

ESTIMATED COST

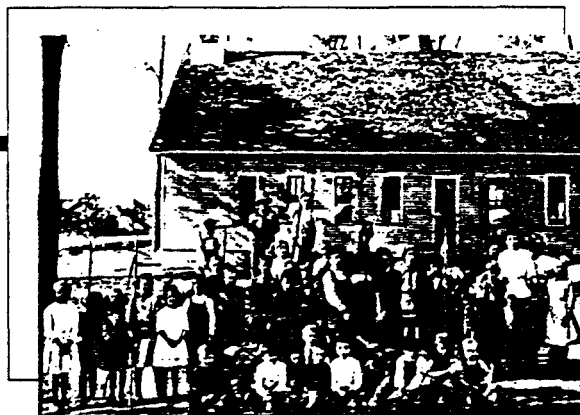
The current cost for this expansion would be approximately \$250 million for the full 20-day increase. The first five-day addition would cost \$63 million.

OTHER INFORMATION

This increased number of days will have an impact on facilities, particularly the aspect of availability of air-conditioned buildings.



Supt. John C. Scarborough



Clean-up Day, First day of school, c. 1900

1890

Thomas M. Holt
Gov. 1891-1893

Elias Carr
Gov. 1893-1897

Daniel L. Russell
Gov. 1897-1901

1900

John C. Scarborough
Superintendent of Public Instruction, 1893-1897

Charles H. Mebane
Superintendent of Public Instruction, 1897-1901

ACTION PLAN

POINT 9

Provide more instructional time by extending the school year from 180 days to 200 days and by exploring alternative school calendars.

Strategy

The superintendent proposes increasing the number of instructional days in the regular school term from 180 days to 200 days, phasing in the extension over the next four bienniums. Five days would be added during the second year of each biennium. Action would be taken during the long session of the General Assembly in the odd-numbered years for implementation in the fall of the even-numbered years. Therefore, the 200-day school year would commence in September 1998.

#	Action Step (Number Each One)*	Assigned to:	Start Date	Due Date	Complete Date
1	Design and conduct an "Opinion Survey" to gather reaction to an extended term. (Business leaders, PTA's, Superintendents, Teachers, Legislators)	Keever	12/90	1/91	
2	Design and conduct a survey to determine the range of hours in the current school day.	Keever	12/90	1/91	
3	Draft legislation to amend 115C-81 and 84 to define the length of the school day and school term. The amendment should add five additional days to the term the odd numbered years for implementation in the fall of the even numbered years.	Peek	10/90	10/90	
4	Seek a sponsor(s) to introduce legislation in the 1991 session of the General Assembly.	Keever	10/90	1/91	
5	Prepare "program papers" for distribution to local boards of education regarding how extra days should be used and alternative school calendar can be designed and implemented. (Range of Options; Review of Research/Literature)	Parrish	12/90	1/91	
6	Design an extended school year marketing plan for presentations to business and industry, parent organizations, legislators, and educational organizations.	Keever	2/91	3/91	

*Please duplicate original for additional copies.

ACTION PLAN

POINT 9

Provide more instructional time by extending the school year from 180 days to 200 days and by exploring alternative school calendars.

Strategy

The superintendent proposes increasing the number of instructional days in the regular school term from 180 days to 200 days, phasing in the extension over the next four bienniums. Five days would be added during the second year of each biennium. Action would be taken during the long session of the General Assembly in the odd-numbered years for implementation in the fall of the even-numbered years. Therefore, the 200-day school year would commence in September, 1998.

#	Action Step (Number Each One)*	Assigned to:	Start Date	Due Date	Complete Date
7	Develop policies for State Board of Education adoption regarding how the extra days should be used for instructional purposes.	Parrish	5/91	5/91	
8	Create technical assistance teams within the four technical assistance centers to assist local school systems with the appropriate use of the extra days.	Jackson	5/91	5/91	
9	Study the relationship of an extended school year to the existing summer school program and alternative school calendar for year-round school programs.	Webb/Brown	10/90	11/90	
10	Design an evaluation system to determine the instructional impact of an extended term.	Triplett	5/91	6/91	
11	Determine the actual cost of providing an extended school term which adds 20 additional days.	Barber	10/90	11/90	

*Please duplicate original for additional copies.

COST-BENEFIT ANALYSIS

POINT 9: Provide more instructional time by extending the school year from 180 days to 200 days and by exploring alternative school calendars.

Costs	Benefits
Tangible: <ul style="list-style-type: none"> . Staff development for technical assistance teams . Design/print/distribute surveys . Staff time to research/prepare/produce "Program Papers" . Travel funds 	Tangible: <ul style="list-style-type: none"> . Time and opportunity for learning will increase . Opportunity for teachers to increase their annual income . Reduced vandalism . Increased use of facilities . Better use of calendar year
Intangible: <ul style="list-style-type: none"> . Non-support by parents and educators . Non-support by legislators . Non-support of extended term by SDPI staff 	Intangible: <ul style="list-style-type: none"> . Higher expectations of public education . Staff commitment to extending the 180-day term
Opportunity Costs: <ul style="list-style-type: none"> . Time of staff to prepare necessary materials . Decreased vacation time for students and teachers . Summer employment for students . Leave policy/teachers will earn more leave 	Return on Investment: <ul style="list-style-type: none"> . Better prepared work force . Higher achievement . Better test scores

Massachusetts Lawmaker Pushes For Longer Public School Year

Although some say more class time is not panacea for US achievement shortfall, support for idea grows; New Orleans schools experiment

By Elizabeth Ross

Staff writer of The Christian Science Monitor

BOSTON

AS education experts around the country ponder America's lagging student achievement record, a Massachusetts state senator proposes a simple solution: add 40 more days to the standard 180-day school year.

"It's beautifully simple as a concept, unlike almost everything else in educational excellence," says Sen. Michael Barrett (D) of Cambridge. Senator Barrett filed a bill to extend the Bay State's 180-day school year last month.

Although Mr. Barrett's proposal is not new, it is getting attention among policymakers, educators, and business leaders. The Massachusetts lawmaker, author of a November Atlantic magazine article on the subject, points out that the United States has the one of the shortest school years in the industrial world. He notes the number of days in a sampling of other countries: Japan, 243; West Germany 226 to 240; Hong Kong, 195; Thailand, 200; Hungary, 192.

Barrett says our short school-year is one reason American students lag behind foreigners on achievement tests. He cites a study by the International Association for the Evaluation of Educational Achievement comparing material covered in the classroom prior to a 1981-82 12th grade math achievement test. Results showed that Japanese students had been exposed to 92 percent of the algebra, geometry, and calculus problems on the test, while American students had been taught only 54 percent of the material in those categories.

Studies like these show how

lacking and outdated our education system is, Barrett says. He says the minimum 180-day American school year was originally designed for an agrarian society. Massachusetts began its first official 12-week school year, pushed by educational reformer Horace Mann, in the 1840s. Surveys that show the American public is now ready to extend the year once again. In a 1989 Gallup poll, 48 percent of those surveyed said they were in favor of extending the school year, 44 percent were opposed, and 8 percent were undecided.

But not everyone is convinced this is the way to improve America's schools. Some educators advocate reforms — like improved curriculums, better teachers, and more individualized instruction — rather than just tacking on more school days.

"I think the idea of extending the school year in general is rather superficial," says Arthur Levine, senior lecturer at Harvard University's Graduate School of Education. "It could be a great idea. It could be a wonderful idea but it's not a stand-alone."

But Barrett rejects the idea that it is an issue of quality vs. quantity. "Think of it in terms of the ability of the ... typically committed teacher to work with the rather committed student and then ask whether we can ever teach our kids as much in 180 days as the Europeans do in 40 more days a year, and the Japanese do in 60 more days a year."

Educators acknowledge that students may not be getting enough classroom time. More time is needed to teach things like computer education in addition to the regular reading, writing, and arithmetic classes, says Tony Croce, a high school science teacher, and the president of

Newton Teachers Association in Newton, Mass.

"What happens is the average time to treat the regular curriculum has shrunk," Mr. Croce says.

Generally all states have about a 180-day school year. Although a few states have considered extending the number of days, none has actually mandated a permanent extension. Some schools, however, have experimented with longer school years on their own. Two schools in inner-city New Orleans, for example, are operating on a 220-day calendar while one pilot program in Kansas City, Mo., has extended its school-year by 46 days. In addition, many cities in the western US, like Los Angeles, have year-round classes with longer vacations in between.

In 1983, North Carolina increased its school year to 200 days in two school districts as an experiment, but both districts are now back on a regular schedule, says Chris Pipho, a spokesman for the Education Commission of the States. One reason was community resistance to the change, Mr. Pipho says.

Money is a big concern. The added costs — including increasing salaries and providing air-conditioned classrooms — would be too great for many school boards to even consider. In addition, states wrestling with budget shortfalls, like Massachusetts, simply can't afford to increase local aid money for schools. Barrett says funding should come from a combination of federal, state, and local sources.

Although public support for the idea is growing, Barrett says it is hard to change traditional American notions about summer. Parents often say children can learn just as much during summer through family vacations, camp, and part-time jobs.

The Patriot Ledger

The Quincy Patriot, 1837

Quincy Daily Ledger, 1890

Consolidated Jan. 1, 1916

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Editorials

Kids need more school days

American students not only need better education; they also need more education. Sen. Michael Barrett, D-Cambridge, recognizes that and is spearheading a campaign to increase the school year in Massachusetts from 180 days to 220 days.

While the state and local communities cannot now afford the extra costs associated with such a plan, it's not too early to begin discussing it seriously so that we are ready to act when financial times are improved. President Bush spoke in his State of the Union address about the "next American century." Unless America makes dramatic improvements in its schooling, today's children won't be prepared as adults to compete against the world in the years after 2000. We are falling behind as it is.

The rationale for increasing the number of school days is simple: with eight more weeks in the classroom, students are bound to learn more. The argument of some educators that quality, not quantity, should govern the perennial debate about education does not hold up. The two are not related. Better quality means better education, regardless of how long students are in school. But American kids need to learn more, as well as better.

The U.S. is way behind the rest of the industrialized world in the length of its school year. And it's not just in Japan and West Germany where kids stay in school longer. The Soviet Union, Thailand, Scotland, Israel and South Korea all have school years of 200 to 243 days.

Why should the 180-day school year be so sacred? The long summer vacation began, after all, as a period in which to help out with work on the farm. For the most part America has

left behind the rural life; it should also leave behind a vestige which is hindering educational improvements. Only 30 years ago Massachusetts increased the number of school days by 20.

We are familiar with distressing comparisons among American students and those in other Western nations, comparisons that always show our students doing poorly. Yet Americans understandably resist the idea of adopting the regimented ways of the Japanese, among others.

But we don't have to do that in deciding to learn more. And we don't have to sacrifice sports and other extracurricular activities that are important in rounding out the school experience.

As more families have two working parents, and the number of single parents increases, a longer school year also would help answer the problem of finding day care during summer months. That's not sufficient reason by itself to have more school days, but it is a significant side benefit.

One group is certain to oppose the idea—students. But it's the job of adults to make youngsters do things they may not like but which in the long run are good for them. And few things are more important than preparing them better for a competitive world.

Lengthening the school year is a subject that should be debated by all concerned parties—lawmakers, educators, parents, and older students. It cannot happen overnight but one way to get started is to offer incentives for some schools to test the longer school year.

The next century will be here sooner than we think. There's no time to waste in forging ahead with education reforms.



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

SENATOR
MICHAEL J. BARRETT
MIDDLESEX AND SUFFOLK
DISTRICT
ROOM 405
TEL 722-1280

COMMITTEES:
LOCAL AFFAIRS (CHAIR)
COUNTIES
EDUCATION
ELECTION LAWS
HOUSING AND URBAN
DEVELOPMENT
PUBLIC SAFETY

November 28, 1990

Dear Colleague,

I'm writing to invite you to co-sponsor a bill to extend the school year in Massachusetts to 220 days, up from the current 180-day standard.

In 1852, Horace Mann convinced the Massachusetts Legislature to pass the nation's first compulsory-attendance law. Since then, the length of the school year has been increased at regular intervals, whenever the Legislature believed that the times warranted giving students more opportunity to learn.

Presently, comparative data on education reveal two unsettling trends. First, compared with their peers in Asian and European countries, American students stand out for how little they work. Second, compared with Asians and Europeans, American students stand out for how poorly they do.

Consider the attached tables. At 180 days, Massachusetts and the United States have one of the shortest school years -- and longest summer vacations -- in the world. At the same time, data compiled by the IEA, an international assessment group, show that even the best U.S. students come in at rock bottom in their knowledge of mathematics and science disciplines. Table II presents a statistical sampling from the IEA's 1982 math evaluation.

The search for ways to improve the quality of schooling is crucial. But even the best teaching in the world cannot make up for the extra days other countries devote to education each year. It is self-deluding to think that Massachusetts kids can learn as much in 180 days as Israelis do in 216, Koreans do in 220, Germans do in 226, or the Japanese do in 240. And yet, in the new global economy, Massachusetts kids will have to compete with these other students for jobs and livelihoods.

Money problems prevent us from lengthening the school year tomorrow. But the debate over the school year must begin immediately, with the filing of this bill. Over the next several years, we should discuss all the related issues and work our way to a consensus. We will then be ready to act when the economy takes its next upswing.

I would be delighted to have your support. I have written an article in the November issue of The Atlantic magazine on the school year in America. I'd be happy to provide you a copy, should you wish to have one. Call Chris Berner of my staff at 722-1280 if you have comments or questions, or if you wish to co-sponsor.

Sincerely,

Michael J. Barrett

Michael J. Barrett
Middlesex and Suffolk District

Table I. The Length of the School Year in Days

Japan	243	Hong Kong	195	Ontario	185
W. Germany	226-240	England/Wales	192	Ireland	184
South Korea	220	Hungary	192	New Brunswick	182
Israel	216	Swaziland	191	Quebec	180
Luxembourg	216	Finland	190	Spain	180
Soviet Union	211	New Zealand	190	Sweden	180
Netherlands	200	Nigeria	190	UNITED STATES	180
Scotland	200	British Columbia	185	French Belgium	175
Thailand	200	France	185	Flemish Belgium	160

Sources: *Educational Testing Service, A World of Differences. An International Assessment of Mathematics and Science, 1989*; *Curtis McKnight et al., The Underachieving Curriculum: Assessing U.S. School Mathematics from an International Perspective, 1987*; *U.S. Department of Education, 1990*.

Table II. Student Achievement by Subject Area
(U.S. 12th Grade Equivalent)

	Advanced Algebra	Functions/Calculus	Geometry
1.	Hong Kong	Hong Kong	Hong Kong
2.	Japan	Japan	Japan
3.	Finland	England/Wales	England/Wales
4.	England/Wales	Finland	Sweden
5.	Flemish Belgium	Sweden	Finland
6.	Israel	New Zealand	New Zealand
7.	Sweden	Flemish Belgium	Flemish Belgium
8.	Ontario	Ontario	Scotland
9.	New Zealand	Israel	Ontario
10.	French Belgium	French Belgium	French Belgium
11.	Scotland	Scotland	Israel
12.	British Columbia	UNITED STATES	UNITED STATES
13.	Hungary	Thailand	Hungary
14.	UNITED STATES	Hungary	British Columbia
15.	Thailand	British Columbia	Thailand

Sources: *International Association for the Evaluation of Educational Achievement (IEA), 1982*; *Curtis McKnight et al., The Underachieving Curriculum: Assessing U. S. School Mathematics from an International Perspective, 1987*.

H.J. RESOLUTION _____

WHEREAS, the crisis in American primary and secondary education that was much written about in the 1980s continues unabated, with American children consistently testing lower in certain areas than their counterparts in Germany, Japan and certain European and Asian countries; and

WHEREAS, the educational strategies that have been devised to address the crisis have focused upon qualitative program improvements and not on lengthening of educational time; and

WHEREAS, the 180-day school year norm has prevailed for decades in Montana and most other American states while other, higher-scoring countries have school years of 190, 220 and even 240 days or more; and

WHEREAS, in Montana and in every other state, educational achievement is increasingly perceived as the most critical building block of our future, and American competitiveness in the world is hindered by American students failing to achieve competence equal to many foreign students in math and science; and

WHEREAS, Montana students compare favorably with other American students in their attainments in basic skills because Montanans believe that quality schools are an integral part of quality living in this state; and

WHEREAS, extension of the primary and secondary school year beyond 180 days is a concept that needs to be studied in order to analyze the benefits of improved educational quality, better utilization of existing school facilities, improved American competitiveness, and improvement in the economy of this state resulting from the commitment of the people to a sound economic future; and

WHEREAS, extension of the school year presents a fiscal challenge, from the combined perspectives of increased cost, improved educational results and maximization of facility utilization, that must be examined by this state in a constructive manner prior to implementation of major extensions of the school year;

NOW, THEREFORE, be it resolved by the Senate and House of Representatives of the state of Montana:

1. An interim study shall be conducted by a legislative subcommittee to examine the cost and benefits of an extension of the primary and secondary school year from 180 days to as many as 220 days; and

BE IT FURTHER RESOLVED, the Office of the Superintendent of Public Instruction is requested to assist the subcommittee's efforts and provide staffing for the analysis and studies requested

EXHIBIT #69A
DATE 2-18-91
HB 694

H.J. RESOLUTION _____

WHEREAS, the crisis in American primary and secondary education that was much written about in the 1980s continues unabated, with American children consistently testing lower in certain areas than their counterparts in Germany, Japan and certain European and Asian countries; and

WHEREAS, the educational strategies that have been devised to address the crisis have focused upon qualitative program improvements and not on lengthening of educational time; and

WHEREAS, the 180-day school year norm has prevailed for decades in Montana and most other American states while other, higher-scoring countries have school years of 190, 220 and even 240 days or more; and

WHEREAS, in Montana and in every other state, educational achievement is increasingly perceived as the most critical building block of our future, and American competitiveness in the world is hindered by American students failing to achieve competence equal to many foreign students in math and science; and

WHEREAS, Montana students compare favorably with other American students in their attainments in basic skills because Montanans believe that quality schools are an integral part of quality living in this state; and

WHEREAS, extension of the primary and secondary school year beyond 180 days is a concept that needs to be studied in order to analyze the benefits of improved educational quality, better utilization of existing school facilities, improved American competitiveness, and improvement in the economy of this state resulting from the commitment of the people to a sound economic future; and

WHEREAS, extension of the school year presents a fiscal challenge, from the combined perspectives of increased cost, improved educational results and maximization of facility utilization, that must be examined by this state in a constructive manner prior to implementation of major extensions of the school year;

NOW, THEREFORE, be it resolved by the Senate and House of Representatives of the state of Montana:

1. An interim study shall be conducted by a legislative subcommittee to examine the cost and benefits of an extension of the primary and secondary school year from 180 days to as many as 220 days; and

BE IT FURTHER RESOLVED, the Office of the Superintendent of Public Instruction is requested to assist the subcommittee's efforts and provide staffing for the analysis and studies requested

EXHIBIT 7107 A
DATE 2-18-91
HB 694

by the subcommittee;

AND BE IT FURTHER RESOLVED, that the legislature encourages all interested parties, including but not limited to the Montana Education Association, the Montana School Boards Association, the Montana Federation of Teachers, the Montana School Administrators Association, and all other organizations that are committed to improving primary and secondary education in Montana to participate and assist in the preparation of a report to the 1993 Montana Legislature.

Amendments to House Bill No. 322
1st Reading Copy

EXHIBIT

#70

DATE

2-18-91

HB

322

Requested by Rep Simpkins
For the House Committee on Education

Prepared by Andrea Merrill
February 9, 1991

1. Title, line 9.

Strike: "AN"

Insert: "A DELAYED"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 9, line 7.

Strike: "1991"

Insert: "1992"

3. Page 9, line 8.

Insert: " NEW SECTION. Section 5. Applicability date. [This
act] applies to an initial enrollment count to be taken on
October 1, 1992, for computing the average number belonging
for school fiscal year 1994."

EXHIBIT #71
DATE 2-18-91
HB 322

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. 322 NUMBER

MOTION: By Simpkins No Pass As Amended.

Failed 9 aye, 11 no
Sub-Motion To Table by Stang → Reverse this
vote. Motion CARRIED 11 aye - 9 no.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT	✓	
TOTAL	9	11

EXHIBIT

#72

DATE

2-18-91

HB

540

Amendments to House Bill No. 540
1st Reading Copy

Requested by Rep. Simpkins
For the Committee on Education

Prepared by Andrea Merrill
February 15, 1991

1. Title, line 5.
Strike: "PROPOSE OR"
2. Title, line 8.
Strike: "TO APPROVE AND"
3. Page 1, lines 18 through 20.
Following: "shall"
Strike: line 18 through "as" on line 20
Insert: "adopting"
Following: "rules" on line 20
Insert: "policies, and standards"
4. Page 2, lines 6 and 7.
Following: "to"
Strike: "remainder of line 6 through "adoption" on line 7
Insert: "adopt"
5. Page 2, line 11.
Strike: "approve and to"
6. Page 2, line 14.
Strike: "propose"
Insert: "adopt"
7. Page 2, line 15.
Following: "Act"
Strike: ", for future adoption"
8. Page 2, line 16.
Strike: "propose and"

EXHIBIT # 73
 DATE 2-18-91
 HB 540

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. 540 NUMBER _____

MOTION: No Pass As Amended, By Rep Simpkins.
Motion FAILED 8 aye, 12 no. Substitute Motion To
TABLE

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT		✓
TOTAL	8	12

Amendments to House Bill No. 470
1st Reading Copy

Requested by Rep. McCarthy
For the House Committee on Education

Prepared by Andrea Merrill
February 12, 1991

1. Title, line 5.
Strike: "EMPLOYEE CONTRACTS AND"
Following: "RIGHTS"
Insert: "AND FOR A HIRING PREFERENCE FOR NONCERTIFIED EMPLOYEES"
2. Page 1, line 10.
Strike: "Contracts"
Insert: "Tenure"
Following: "protected"
Strike: "."
Insert: " -- hiring preference for noncertified employees. (1)"
3. Page 1, line 14.
Following: "other"
Insert: "certified"
4. Page 1, lines 15 and 16.
Strike: "continuing contract or" on line 15
Following: "law"
Strike: "is protected" on lines 15 and 16
Insert: "continues to have tenure in the consolidated or enlarged district"
5. Page 1, line 18.
Strike: "contract or"
6. Page 2, line 20.
Following: line 19
Insert: "(2) A noncertified, nonprobationary employee of a school district that consolidates or joins another district through annexation must be given preference in hiring for any position with the consolidated or enlarged district for which the employee has substantially equal qualifications and, upon acceptance of a position, may not be given probationary status."

1

HOUSE BILL NO. 470

2

INTRODUCED BY

3

Maest Rawn

4

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR

5

PROTECTION OF ~~EMPLOYEE CONTRACTS AND~~ TEACHER TENURE RIGHTS

6

WHENEVER DISTRICTS CONSOLIDATE OR JOIN THROUGH ANNEXATION;

7

AND PROVIDING AN EFFECTIVE DATE."

8

9

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

10

NEW SECTION. Section 1.

~~contracts~~ ^{tenure} protected whenever

11

two or more school districts consolidate or join through

12

annexation to organize into a single district in the manner

13

provided for in Title 20, chapter 6, a principal, teacher,

14

or other ^{certified} employee of the school districts who has a

15

~~continuing contract or~~ right of tenure under Montana law is

16

protected ^{and the board of trustees of the consolidated or}

17

enlarged school district in which the person will perform

18

duties shall recognize and give effect to the ~~contract or~~

19

right of tenure. ^{insert (22) having preference}

20

NEW SECTION. Section 2. Codification instruction.

21

[Section 1] is intended to be codified as an integral part

22

of Title 20, chapter 6, and the provisions of Title 20,

23

chapter 6, apply to [section 1].

24

NEW SECTION. Section 3. Effective date. [This act] is

25

effective July 1, 1991.

-End-


 AND FOR A HIRING
 PREFERENCE FOR
 NONCERTIFIED EMPLOYEES

EXHIBIT #95
DATE 2-18-91
HB 470

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. 470 NUMBER _____

MOTION: Do Pass As Amended by Rep. McCarthy.
Motion CARRIED 14 aye, 6 no.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT	✓	
TOTAL	14	6

EXHIBIT

DATE 2-18-91HB 415

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 2-18-91 BILL NO. 415 NUMBER _____MOTION: Do Pass by Rep. Stang. Motion
CARRIED 11 aye, 9 no

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON		✓
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN		✓
REP. DIANA WYATT	✓	
TOTAL	11	9

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. 533

DATE 2-18-91

SPONSOR(S) Harrington

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
David C. Pearsall 605 Valley View Road - Helena	Montana Home Schoolers		X
Evelyn Pearsall 605 Valley View Rd - Helena	" " "		X
BOB BALYEAT 704 E. TRAVIS - Missoula	MYSELF - Missoula HOME EDUCATORS		X
Nancy Balyeat 704 E. Travis - Missoula	myself - Missoula Home Educators		X
Eunice Ash 930 Bde. E. Billings, mt.	Grandchildren of Home Educator		X
Penny Wickenburg	My Family		X
Jim Donaldson	Myself & Home Education		X
Christine Helwick 156 Harrison Way Bozeman	Home Educators of Montana		X
Eileen Guthrie Bozeman	myself		X
Cathy Brumhall	myself & children		X
DAN BRIMHALL BOX 159 E. HELENA, MT 59635	HELENA HOME EDUCATORS		X
Mark Hanson 3820 Kismet Dr. Helena, Montana	myself and Montana Home Educators		X
Ladell Hanson 3820 Kismet Dr. Helena, MT	myself & Home Education		X
Debbie Sheasby 1203 Ave B NW Great Falls, MT	Myself & Home Educators		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education & Cultural Resources COMMITTEE BILL NO. 533
DATE 2-18-91 SPONSOR(S) Harrington

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Roger Scheidler ✓ R3-Box 380 Conrad 59425	Self Roger Scheidler		✓
Sharon Turner 5776 Shannon Helena, MT. 59601	Montana Homeschoolers		✓
Bill + Barb Koss 3232 Poly Dr., Billings MT	MT. Homeschoolers		✓
Bill Johnson Family	Montana Homeschoolers		✓
Julie Billard	Montana Homeschoolers		✓
Lori Gilger	Home Educator		✓
Jonathan D Martin	Home Schooling		✓
SAMUEL COON STEVENSVILLE MT 2873 Caribou Ln.	SELF AND CHILDREN		✓
DIANE COON Stevensville MT	Our family of homeschoolers		✓
Annette Friesen	Helena Area Christian Educator		✓
Virginia Baker	self		✓
Juliette Brown	self		✓
Clare Bay	Self : children		✓
Dona Bin Z	" "		✓

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

Rep Don Wallin - Self

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education

COMMITTEE

BILL NO. 533

DATE 2-18-91 SPONSOR(S) Harrington

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Sarahy Donaldson Box 865 MCR Clancy, MT 59124	Montana Homeschooling		X
Timmy Donaldson Box 865 MCR Clancy, MT 59124	MT Homeschooling		X
Katie Donaldson Box 865 MCR Clancy 59124	" "		X
Jerie Donaldson Clancy P.O. Box 159	Montana Homeschool Family		X
Aimee Brimhall E. Helena	" "		X
Patricia Elias Whitehall, MT 15 Ballard Ln	" "		X
Bob Welker Box 667 Shelby MT	Montana Homeschool Family		X
Karen Welker Box 667 Shelby MT	" "		X
Laurie Bumgarner Shonkin Box 67	" "		X
Elvick Bumgarner Shonkin 59170 55 Prairie Day	Montana Home School		X
Kimberly Ashburn Gear Falls 55 Prairie Day	MT Home School		X
Erin Washburn Gear Falls	MT Home School		X
Mike Wilhelm	Bozeman Christian School		X
Steve Hinchbach	Billings		X

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education COMMITTEE BILL NO. 533
 DATE 2.18.91 SPONSOR(S) Harrington
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Nick Turner 577 1/2 Shannon St Holbrook	Homeschoolers of Mont.		X
Dennis Seyfert <u>Levittown</u> 580 Meadow Lark Lane	Levittown, MT		X
Anita Swartz 1410 Harper-Pickett Berwyn	Homeschoolers Berwyn, MT		X
Brian Ray, Ph.D.	Nat'l Home Educ. Research Assoc., Seattle WA		X
Danida Hane	MT Coalition of Home Educators		X
Earleen Lloyd Boulder	Homeschool		X
Wendy Kelley	MT Assn of Church Schools		X
Paula E. Rasmussen	Home Education		X
George Miller	Dillon Mt.	X	
Donna Grant	Homeschooler		X
Shirley Metcalf	Home schooler		X
Lynn A O'Keefe	Home Schooler		X
Jean A Palmer, Big Sky	Home Education		X
Debra Briscoe Belgrade	Home Education		X

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Education COMMITTEE BILL NO. 533
DATE 2.18.91 SPONSOR(S) Harrington

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John Bilscoe	Home Education		X
Peter Daley	Home Education		X
C. F. WALKER	Home Education		X
Joann Walker	Home Education		X
Russ Koch	Home Education		X
Lori Hoch	Home Education		X
Travis Koch	Home Education		X
Morgan Koch	Home Education		X
Traci Koch	Home Education		X
Virginia Flint	Home Education		X
Beau Flint	Home Education		X
April Flint	Home Education		X
Trevor Flint	Home Education		X
Jerome Coopers 3581 Sunflower Pkwy	" "		X

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Educ & Cultural Res COMMITTEE BILL NO. 533
 DATE 2-18-91 SPONSOR(S) Harrington

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Pamela White 724 Aspen Helena	homeschooling & self		X
Jean W. Long	S.A.M.	X	

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533

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BILL NO.

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NAME AND ADDRESS

REPRESENTING

SUPPORT

OPPOSE

Pamela White 724 Aspen
Helena

homeschooling & self

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Rick Jacobs 2177 Longview Road	Meagher County Home schoolers		<input checked="" type="checkbox"/>
Sister Theresia M. Hagedorn	Meagher County Home school		<input checked="" type="checkbox"/>
Jolene Jacobs	Meagher County Home school		<input checked="" type="checkbox"/>
Elizabeth Dunkel	Meagher County H.S.		<input checked="" type="checkbox"/>
Ruthie Kersten Ulm	Home school		<input checked="" type="checkbox"/>
Nancy Rae	Home school - Gallatin Co.		<input checked="" type="checkbox"/>
Lacey Hawkins	Home school Gallatin Co.		<input checked="" type="checkbox"/>
Linda Ann Harris	Rivetti County		<input checked="" type="checkbox"/>
Gilene Reed	Home school		<input checked="" type="checkbox"/>
Walter Ruhl	Home school		<input checked="" type="checkbox"/>
Don Diehl	Home school		<input checked="" type="checkbox"/>
Starshaw	Self		<input checked="" type="checkbox"/>
Steve Nichols	Home School		<input checked="" type="checkbox"/>
Dianne Snider	Home School		<input checked="" type="checkbox"/>

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Thomas McDonough, Victor, VT	Equal Rights Schoolers		X
Rosa M. Donnell	Rural Home Educators		X
Cindi L. Jarvis	Helena Homeschooler		X
Katrina L. Jarvis	Helena Homeschooler		X
Bryan Asay	M & ME		X
Jeanne M. Johnson	Gallatin Valley Home Ed.		X
Larry W. Johnson	Gallatin Valley Home Ed		X
Carrie Margulis	Home - school		X
Kristin Margulis	Home - school		X
Caresa Margulis	Home - school Apt 6		X
Katie Margulis	Home - school		X
Karrie Briscoe	Home school		X
Kodence Briscoe	Home School		X
David Grosse	Home School		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>John Hesse</u>	<u>Home School</u>		<input checked="" type="checkbox"/>
<u>Callie Gibson</u>	<u>Home Educator</u>		<input checked="" type="checkbox"/>
<u>Maagie Stuart</u>	<u>Home Educator</u>		<input checked="" type="checkbox"/>
<u>Tom Bartz</u>	<u>Self-Home Educator</u>		<input checked="" type="checkbox"/>
<u>Kiki Stiff</u>	<u>Home Educator</u>		<input checked="" type="checkbox"/>
<u>Diana Marshall</u>	<u>Home Education</u>		<input checked="" type="checkbox"/>
<u>Jenny Marshall</u>	<u>Home Education</u>		<input checked="" type="checkbox"/>
<u>David Dehl</u>	<u>Home Education</u>		<input checked="" type="checkbox"/>

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
TUCK SHEASBY	MYSELF AND HOMESCHOOLERS		X
Robin J. Schindler	RR3, Box 380; CONRAD, Home Education MT.		X
Box 1384 Dr. Charlotte Morton Dillon MT	self	X	
9500 Hwy 1324 Cynthia Peek Sueden	Home Schooling		X
5925			
KENT GILGE	MT. COAL. HOME EDUCATORS	X	X
MICHAEL FARRIS	HOME SCHOOL LEGAL DEFENSE ASS'N		X
Mark Gerber	Montana Coalition of Home Educators	X	X
STEVE DATTN	MT. COALITION OF HOME EDUCATORS		X
Alice Martin	Home Schooling		X
Vickie Herber	Self Self & Linda Carson		X
ROBIN R. COLLINS	SELF & KIDS		X
LINDA COLLINS	MT COALITION OF HOME EDUCATORS		X
Russ Wall	Northern Home Educators		X
Rich Bloom	myself		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Lebby Linder	Home school HB533	HB533	X
Patty Coge	Home school HB533		X
Pam Todd	Home School HB533		X
Bob ANDERSON	N. SBA	X	
Jeff Waldum	Home School HB333		X
Deccy Waldum	Home School HB 533		X
Robin Stahlecker	Ravalli County		X
Mrs Mary E. Henschel	Parents / The Feinberg		X
Mrs. Kyle R. Hottler	Home school families		X
Bob Wilson	Home School - Royeman		X
Mona Wilson	Home School - parents - family		X
Erich Grosse	Home School Family		X
Sharon Grosse	Home school		X
Loretta Murphy	Home school		X

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Education

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Harvey Hargis	Home School		X
Daniel Lee P.O. Box 607	Home School		X
Reuben Lee P.O. Box 607 Be H	Home school		X
Larry Hall	Christ's Church Academy		X
Carl Albertson	Home School		X
Don H. Hall	Home School		X
Kathy & Harold	Home school		X
Francie S. Albertson	Home School		X
Dennis Irion	Homeschool		X
Charlene Irion	Home school		X
Tim REICHERT	Home school		X
Carrie Reichert	Home School		X
John & Barbara 2995 P.O. Box 2995 HELENA	home school		X
KAREN SCRENAR	Home School		X

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Robbie Sperry	home schooling		X
Carol Wilburn	Home schooling		X
Bo Stuart	Home schooler		X
Benilde Howlett	home schooling		X
Marla Foust	home schooling		X
Corlynn Christofferson	Home-Schooling		X
Katru Searat	MPTA	X	
W. J. ...	Home schooling		X
W. J. ...	" "		X
NICK STEVENS	MYSELF		X
Gene R. Barry	myself	X	
David C. Lloyd David Lloyd	Forsyth Public Schools	X	
Rose Waldenberg	home schooling		X
Donie Gaylor	Home Schooling		X

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

House Education COMMITTEE BILL NO. 533
 DATE 2/18/91 SPONSOR(S) Harrington
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Merna M. Ogden	MSBA	X	X
Kim Barney	MSBA	X	X
Tammi Eklund			X
Francine Hoff	homeschooler		X
Crystal Hoffer	Homeschooler		X
Karen Hamilton	Home schools		X
Allen Hamilton (Darby)	Home Schools		X
Vee Camped -	Council citizen -		X
Ellen Bryan	home-school family		X
Gayle & Ty Perroop ^{Philipsburg}	homeschooling family		X
Thelma Staller	homeschooling family		X
St. Lloyd Staller	home schooling family		X

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

House Education

COMMITTEE

BILL NO.

533

DATE 2/15/91

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
PC 73, Box 740 Larrie + Carol Sumner Valley MT 59432	self		X
Raymond Lindseth Box 183 Dupuyer MT 59432	Self		X
Roger Koopman 811 S. Tracy, Bozeman MT 59715	Self + 4 kids		X
Karen Welby	self		X
Nell Boon	Home School - 3 kids		X
Ronald Boon	Home School		X
Richard Jarvis	Home School - 5 kids		X
Charlene F. Howard	home school - 2 kids		X
DC Howard	home school - 2 kids		X
Aaron Johnson	Callahan Valley Home Ed.		X
Ashley Johnson	#		X
Innah Howard	Homeschooler		X
Lacey Howard	Homeschooler		X
Mandy Williams	#		X

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Education

COMMITTEE

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DATE 2-18-91

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Wes Flint	Home schooling	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kathleen Lewis	Home Schooling	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Davies	Home Schooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cindy Turk	Home Schooling	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Deborah Hitt	Home Schooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rolie Spaulder	Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Deborah Imunay	homeschooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Barbara Asperig	home schooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STEN SMITH - HELKHA	Home Schooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Patty Smith - Helena	Home schooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Partridge	Homeschooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nancy Partridge	Homeschooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill O'Connor	Homeschooling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mara D. O'Connor	" "	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Nancy Dupre	self	533	✓	
Nancy Dupre	self	533	✓	
Nancy Dupre	Self	533	✓	
Pattie Baer ^{2532 sterling St.} Billings, MT 59101	Homeschool	533	✓	
Terrence Hall	self	533	✓	
Yolyn Karp	Home Schooling	533	✓	
Ruth Harrington	Home Schooling	533	✓	
Phil Blom	" "	"	✓	
Don Johnson	Home Schooling	533	✓	
John Johnson	Home Schooling	533	✓	
Mark Chamer	Myself	533	✓	
Iris Discoll	home schooling	533	✓	

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Bill N. Smith</u>	<u>self</u>	<u>533</u>	<u>✓</u>	
<u>Chas. E. Smith</u>	<u>self</u>	<u>533</u>	<u>✓</u>	
<u>Dicky Locke</u>	<u>self + MHC</u>	<u>533</u>	<u>✓</u>	

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EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. HJR 35

DATE 2-18-91 **SPONSOR(S)** McCarthy

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE

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EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. 715

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Randy McKenna	MASS	✓	
Kathy Fabiano	OPT	✓	

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EDUCATION & CULTURAL RESOURCES

COMMITTEE

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>James Long</i>	<i>S. A. M</i>	<i>X</i>	
<i>Ray McKenna</i>	<i>MACSS</i>	<i>X</i>	

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