

HOUSE BILL 525

IN THE HOUSE

February 2, 1979

Introduced and referred to
Committee on Education &
Cultural Resources.

February 15, 1979

Committee recommend bill, do
not pass.

February 16, 1979

Report adopted.

HOUSE BILL NO. 525

INTRODUCED BY *Gayle Stewart Nelson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE NONPUBLIC SCHOOLS TO BE REGISTERED WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY SUPERINTENDENT OF SCHOOLS IN THE COUNTY IN WHICH THE NONPUBLIC SCHOOL IS LOCATED; AMENDING SECTION 20-5-102, MCA."

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

NEW SECTION. Section 1. Registration of private institutions. (1) A private institution which provides instruction in the program prescribed by the board of public education pursuant to 20-7-111 must be registered, on or before September 1 of each year, with the superintendent of public instruction and the county superintendent of schools in the county in which the private institution is located.

(2) Registration shall include:

(a) the official name and address of the private institution; and

(b) the name and address of the principal officer of the private institution.

NEW SECTION. Section 2. Penalty. (1) A private institution or the principal officer of a private institution affected by [section 1] that does not comply

with the provisions of [section 1] is subject to the penalty provisions of 20-1-207.

(2) A pupil attending a private institution that is not properly registered pursuant to [section 1] is subject to the truancy provisions of 20-5-106.

Section 3. Section 20-5-102, MCA, is amended to read:

"20-5-102. Compulsory enrollment and excuses. (1) Any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year and has not yet reached his 16th birthday and who has not completed the work of the 8th grade shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111. Such parent, guardian, or other person shall enroll the child in the school assigned by the trustees of the district within the first week of the school term or when he establishes residence in the district unless the child is:

(a) enrolled in a private institution which is registered pursuant to [section 1] and provides instruction in the program prescribed by the board of public education pursuant to 20-7-111;

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

(c) provided with supervised correspondence study or

1 supervised home study under the transportation provisions of
2 this title;

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

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

11 (2) The excuse provided for in subsection (1)(d) of
12 this section shall be issued by the district superintendent
13 or the county superintendent when there is no district
14 superintendent employed by the district. Whenever an excuse
15 is denied by the applicable official, an appeal of such
16 decision may be made to the district court of the county
17 within 10 days after the decision upon giving a bond in the
18 amount set by the court to pay all costs of the appeal. The
19 decision of the district court shall be final."

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