

CHAPTER NO. 504

HOUSE BILL NO. 718

INTRODUCED BY DONALDSON

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1979	Committee recommend bill do pass. Report adopted.
February 17, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 21, 1979	Introduced and referred to Committee on Education.
March 13, 1979	Committee recommend bill be concurred in. Report adopted.
March 14, 1979	Motion pass consideration.
March 15, 1979	Second reading, concurred in as amended.
March 19, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in as amended.
March 21, 1979	On motion consideration passed until the 71st Legislative Day.
March 30, 1979	Second reading, amendments adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 718
2 INTRODUCED BY Donaldson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
5 COMPULSORY ENROLLMENT AND ATTENDANCE PROVISIONS OF SCHOOL
6 LAW TO MAKE IT CLEAR THAT THE COMPULSORY PROVISIONS APPLY
7 UNTIL A CHILD REACHES HIS 16TH BIRTHDAY AND COMPLETES THE
8 8TH GRADE; AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "20-5-102. Compulsory enrollment and excuses. (1) Any
13 ~~Except as provided in subsection (2), any parent, guardian,~~
14 or other person who is responsible for the care of any child
15 who is 7 years of age or older prior to the first day of
16 school in any school fiscal year ~~and has not yet reached his~~
17 ~~16th birthday and who has not completed the work of the 8th~~
18 grade shall cause the child to be instructed in the program
19 prescribed by the board of public education pursuant to
20 20-7-111 until the later of the following dates:

- 21 (a) the child's 16th birthday;
- 22 (b) the date of completion of the work of the 8th
23 grade.

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

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

4 (a) enrolled in a private institution which provides
5 instruction in the program prescribed by the board of public
6 education pursuant to 20-7-111;

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

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

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

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

20 ~~(2)(3)~~ The excuse provided for in subsection ~~(1)(d)~~
21 ~~(2)(d)~~ of this section shall be issued by the district
22 superintendent or the county superintendent when there is no
23 district superintendent employed by the district. Whenever
24 an excuse is denied by the applicable official, an appeal of
25 such decision may be made to the district court of the

1 county within 10 days after the decision upon giving a bond
 2 in the amount set by the court to pay all costs of the
 3 appeal. The decision of the district court shall be final."

4 Section 2. Section 20-5-103, MCA, is amended to read:

5 "20-5-103. Compulsory attendance and excuses. Any (1)
 6 Except as provided in subsection (2), any parent, guardian,
 7 or other person who is responsible for the care of any child
 8 who is 7 years of age or older prior to the first day of
 9 school in any school fiscal year ~~has not yet reached his~~
 10 ~~16th birthday and has not completed the work of the 8th~~
 11 ~~grade~~ shall cause the child to attend the school in which he
 12 is enrolled for the school term and each school day therein
 13 prescribed by the trustees of the district unless until the
 14 later of the following dates:

15 (a) the child's 16th birthday;

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

18 (2) The provisions of subsection (1) do not apply in
 19 the following cases:

20 ~~(1)~~ (a) The child has been excused under one of
 21 the conditions specified in 20-5-102~~;~~

22 ~~(2)~~ (b) The child is absent because of illness,
 23 bereavement, or other reason prescribed by the policies of
 24 the trustees ~~or.~~

25 ~~(3)~~ (c) The child has been suspended or expelled

1 under the provisions of 20-5-202."

-End-

HOUSE BILL NO. 718

INTRODUCED BY DONALDSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE COMPULSORY ENROLLMENT AND ATTENDANCE PROVISIONS OF SCHOOL LAW TO MAKE IT CLEAR THAT THE COMPULSORY PROVISIONS APPLY UNTIL A CHILD REACHES HIS 16TH BIRTHDAY AND COMPLETES THE 8TH GRADE; AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA."

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

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

"20-5-102. Compulsory enrollment and excuses. (1) Any ~~Except as provided in subsection (2),~~ any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year ~~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 until the later of the following dates:

(a) the child's 16th birthday;

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

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

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

(a) enrolled in a private institution which 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 supervised home study under the transportation provisions of this title;

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

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

~~(2)(3)~~ The excuse provided for in subsection ~~(1)(d)~~ ~~(2)(d)~~ of this section shall be issued by the district superintendent or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicable official, an appeal of such decision may be made to the district court of the

1 county within 10 days after the decision upon giving a bond
 2 in the amount set by the court to pay all costs of the
 3 appeal. The decision of the district court shall be final."

4 Section 2. Section 20-5-103, MCA, is amended to read:

5 "20-5-103. Compulsory attendance and excuses. Any (1)
 6 ~~Except as provided in subsection (2), any parent, guardian,~~
 7 or other person who is responsible for the care of any child
 8 who is 7 years of age or older prior to the first day of
 9 school in any school fiscal year ~~has not yet reached his~~
 10 ~~16th birthday and has not completed the work of the 8th~~
 11 grade shall cause the child to attend the school in which he
 12 is enrolled for the school term and each school day therein
 13 prescribed by the trustees of the district ~~unless~~ until the
 14 later of the following dates:

- 15 (a) the child's 16th birthday;
- 16 (b) the date of completion of the work of the 8th
 17 grade;

18 (2) The provisions of subsection (1) do not apply in
 19 the following cases:

- 20 ~~(1)~~ (a) The child has been excused under one of
 21 the conditions specified in 20-5-102~~;~~;
- 22 ~~(2)~~ (b) The child is absent because of illness,
 23 bereavement, or other reason prescribed by the policies of
 24 the trustees ~~or~~;
- 25 ~~(3)~~ (c) The child has been suspended or expelled

1 under the provisions of 20-5-202."

-End-

1 HOUSE BILL NO. 718

2 INTRODUCED BY DONALDSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
5 COMPULSORY ENROLLMENT AND ATTENDANCE PROVISIONS OF SCHOOL
6 LAW TO MAKE IT CLEAR THAT THE COMPULSORY PROVISIONS APPLY
7 UNTIL A CHILD REACHES HIS 16TH BIRTHDAY AND COMPLETES THE
8 8TH GRADE; AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "20-5-102. Compulsory enrollment and excuses. (1) Any
13 ~~Except as provided in subsection (2), any~~ parent, guardian,
14 or other person who is responsible for the care of any child
15 who is 7 years of age or older prior to the first day of
16 school in any school fiscal year ~~and has not yet reached his~~
17 ~~16th birthday and who has not completed the work of the 8th~~
18 grade shall cause the child to be instructed in the program
19 prescribed by the board of public education pursuant to
20 20-7-111 until the later of the following dates:

21 (a) the child's 16th birthday;22 (b) the date of completion of the work of the 8th
23 grade.24 (2) Such parent, guardian, or other person shall
25 enroll the child in the school assigned by the trustees of

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

4 (a) enrolled in a private institution which provides
5 instruction in the program prescribed by the board of public
6 education pursuant to 20-7-111;7 (b) enrolled in a school of another district or state
8 under any of the tuition provisions of this title;9 (c) provided with supervised correspondence study or
10 supervised home study under the transportation provisions of
11 this title;12 (d) excused from enrollment in a school of the
13 district when it is shown that his bodily or mental
14 condition does not permit his attendance and the child
15 cannot be instructed under the special education provisions
16 of this title; or17 (e) excused from compulsory school attendance upon a
18 determination by a district judge that such attendance is
19 not in the best interest of the child; ~~OR~~20 ~~(F) EXCUSED BY THE BOARD OF TRUSTEES UPON A~~
21 ~~DETERMINATION THAT SUCH ATTENDANCE BY A CHILD WHO HAS~~
22 ~~ATTAINED THE AGE OF 16 IS NOT IN THE BEST INTEREST OF THE~~
23 ~~CHILD AND THE SCHOOL.~~24 ~~(2)(1)~~ The excuse provided for in subsection ~~(2)(d)~~
25 ~~(2)(d)~~ of this section shall be issued by the district

1 superintendent or the county superintendent when there is no
 2 district superintendent employed by the district. Whenever
 3 an excuse is denied by the applicable official, an appeal of
 4 such decision may be made to the district court of the
 5 county within 10 days after the decision upon giving a bond
 6 in the amount set by the court to pay all costs of the
 7 appeal. The decision of the district court shall be final."

8 Section 2. Section 20-5-103, MCA, is amended to read:

9 "20-5-103. Compulsory attendance and ~~excuse~~. Any 11
 10 Except as provided in subsection (2), any parent, guardian,
 11 or other person who is responsible for the care of any child
 12 who is 7 years of age or older prior to the first day of
 13 school in any school fiscal year, ~~has not yet reached his~~
 14 ~~16th birthday and has not completed the work of the 8th~~
 15 grade shall cause the child to attend the school in which he
 16 is enrolled for the school term and each school day therein
 17 prescribed by the trustees of the district ~~unless until the~~
 18 later of the following dates:

19 (a) the child's 16th birthday;

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

22 (2) The provisions of subsection (1) do not apply in
 23 the following cases:

24 ††)--the (a) The child has been excused under one of
 25 the conditions specified in 20-5-102†.

1 ~~†2)---the (b) The child is absent because of illness,~~
 2 ~~bereavement, or other reason prescribed by the policies of~~
 3 ~~the trustees†or.~~
 4 ~~†3)---the (c) The child has been suspended or expelled~~
 5 ~~under the provisions of 20-5-202."~~

-End-

March 15, 1979

SENATE COMMITTEE OF THE WHOLE REPORT

That House Bill No. 718, third reading bill, be amended as follows:

L. Page 2, line 20.

Following: line 19

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