## House Bill 647

## In The House

February 5, 1981

Introduced and referred to Committee on Education.

April 23, 1981

Died in Committee.

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child is:

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1	HOUSE BILL NO. 647
2	INTRODUCED BY Kersle
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE PARENTS TO
5	SEND A CHILD TO SCHOOL UNTIL THE CHILD REACHES 16 OR UNTIL
6	HE COMPLETES THE STH GRADE, WHICHEVER OCCURS FIRST; AMENDING
7	SECTIONS 20-5-102 AND 20-5-103, MCA.*
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 20-5-102, MCA, is amended to read:
11	#20-5-102. Compulsory enrollment and excuses. (1)
12	Except as provided in subsection (2), any parent, guardian,
13	or other person who is responsible for the care of any child
14	who is 7 years of age or older prior to the first day of
15	school in any school fiscal year shall cause the child to be
16	instructed in the program prescribed by the board of public
17	education pursuant to 20-7-111 until the later garlier of
18	the following dates:
19	(a) the child's 16th birthday;
20	(b) the date of completion of the work of the 8th
21	qrade.

(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

2	(a) enrolled in a private institution which provides
3	instruction in the program prescribed by the board of public
4	education pursuant to 20-7-111;
5	(b) enrolled in a school of another district or state
6	under any of the tuition provisions of this title;
7	(c) provided with supervised correspondence study or
8	supervised home study under the transportation provisions of
9	this title;
10	(d) excused from enrollment in a school of the
11	district when it is shown that his bodily or mental
12	condition does not permit his attendance and the child
13	cannot be instructed under the special education provisions
14	of this title;
15	(e) excused from compulsory school attendance upon a
16	determination by a district judge that such attendance is
17	not in the best interest of the child; or
18	(f) excused by the board of trustees upon a
19	determination that such attendance by a child who has $\underline{\mathtt{not}}$
20	attained the age of 16 and has not completed the 8th grade
21	is not in the best interest of the child and the school.
22	(3) The excuse provided for in subsection (2)(d) of
23	this section shall be issued by the district superintendent
24	or the county superintendent when there is no district
25	superintendent employed by the district. Whenever an excuse

is denied by the applicable official, an appeal of such decision may be made to the district court of the county within 10 days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

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Section 2. Section 20-5-103, MCA, is amended to read: 7 #20-5-103. Compulsory attendance and excuses. [1] Except as provided in subsection (2), any parent, quardian, 8 9 or other person who is responsible for the care of any child 10 who is 7 years of age or older prior to the first day of 11 school in any school fiscal year shall cause the child to attend the school in which he is enrolled for the school 12 13 term and each school day therein prescribed by the trustees of the district until the later earlier of the following 14 15 dates:

- (a) the child's 16th birthday;
- 17 (b) the date of completion of the work of the 3th
- 19 (2) The provisions of subsection (1) do not apply in 20 the following cases:
  - (a) The child has been excused under one of the conditions specified in 20-5-102.
- 23 (b) The child is absent because of illness,
  24 bereavement, or other reason prescribed by the policies of
  25 the trustees.

1 (c) The child has been suspended or expelled under the

2 provisions of 20-5-202.\*\*

-End-

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