

HOUSE BILL NO. 49

Introduced: 01/03/83

Referred to Committee on Education & Cultural Resources: 01/03/83

Hearing: 1/10/83

Report: 02/15/83, Do Not Pass, As Amended

Bill Killed: 02/16/83

1 HOUSE BILL NO. 49
2 INTRODUCED BY NORDTVEDT
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE EXCEPTION
5 TO COMPULSORY SCHOOL ATTENDANCE FOR CHILDREN PROVIDED WITH
6 SUPERVISED CORRESPONDENCE OR HOME STUDY BY REMOVING THE
7 TRANSPORTATION REQUIREMENT; AMENDING SECTION 20-5-102, MCA."
8
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 of the
18 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) Such parent, guardian, or other person shall
23 enroll the child in the school assigned by the trustees of
24 the district within the first week of the school term or
25 when he establishes residence in the district unless the

1 child is:
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
20 attained the age of 16 is not in the best interest of the
21 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

INTRODUCED BILL

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

-End-

STATE OF MONTANA

REQUEST NO. 042-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 49 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

A proposal to expand the exception to compulsory school attendance for children provided with supervised correspondence of home study by removing the transportation requirement.

ASSUMPTIONS:

- 1) Any cost will be absorbed by the sections of the transportation law.
- 2) Any cost would be minimal.
- 3) Have no reasonable method of identifying future correspondence course users.

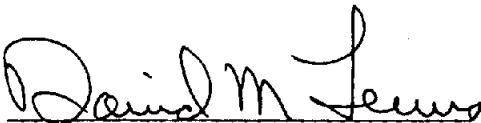
FISCAL IMPACT:

None.

TECHNICAL NOTES:

Removing the reference to the transportation provisions of this title will remove correspondence and home study courses from approval by trustees and supervision of the district as required in 20-10-142 Section 5 of Montana's Transportation Laws, and seems to nullify the compulsory attendance and enrollment laws.

FISCAL1:V/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-3-83