

HOUSE BILL NO. 635

Introduced: 02/04/83

Referred to Committee on Education & Cultural Resources:

02/04/83

Hearing: 2/9/83

Report: 02/18/83, Do Pass, As Amended

2nd Reading: 02/21/83, Do Not Pass

Bill Killed

J. Jensen

INTRODUCED BY

Mendenhall

House BILL NO. 635
Kearney
Duffy
Parker

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE EXEMPTION FOR COMPULSORY ENROLLMENT IN PUBLIC SCHOOLS THAT RELATES TO PUPILS ENROLLED IN NONPUBLIC SCHOOLS; TO ESTABLISH QUALIFICATIONS FOR THE EXEMPTION; AMENDING SECTIONS 20-2-121, 20-3-205, 20-5-102, AND 20-5-105, MCA."

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

Section 1. Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education — powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification, specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform

standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of 20-1-302;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of 20-1-303 and 20-1-304;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

~~(10) consider appeals from the rejection of a nonpublic school's statement of compliance with the compulsory enrollment exemption requirements in accordance with the provisions of 20-5-102 and sections 5 and 6j; and~~

~~(11) perform any other duty prescribed from time to~~

time by this title or any other act of the legislature."

Section 2. Section 20-3-205, HCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in his county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition application submitted to him in accordance with the provisions of 20-5-301, 20-5-302, 20-5-304, and 20-5-311 and transmit the tuition information required by 20-5-312;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(7) keep a transcript and reconcile the district boundaries of the county in accordance with the provisions of 20-6-103;

(8) fulfill all responsibilities assigned to him under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(10) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(11) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(12) complete the budgets, compute the budgeted revenues and tax levies, give notices of the budget meetings, file final and emergency budgets, and fulfill such other responsibilities assigned to him under the provisions of this title regulating school budgeting systems;

(13) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(14) quarterly, unless otherwise provided by law, order the county treasurer to apportion state money, county school

1 money, and any other school money subject to apportionment
2 in accordance with the provisions of 20-9-212, 20-9-334,
3 20-9-347, 20-10-145, or 20-10-146;

4 (15) act on any request to transfer average number
5 belonging (ANB) in accordance with the provisions of
6 20-9-313(3);

7 (16) calculate the estimated budgeted general fund
8 sources of revenue in accordance with the provisions of
9 20-9-348 and the other general fund revenue provisions of
10 the general fund part of this title;

11 (17) compute the revenues and the district and county
12 levy requirements for each fund included in each district's
13 final budget and report such computations to the board of
14 county commissioners in accordance with the provisions of
15 the general fund, transportation, bonds, and other school
16 funds parts of this title;

17 (18) file and forward bus driver certifications,
18 transportation contracts, and state transportation
19 reimbursement claims in accordance with the provisions of
20 20-10-103, 20-10-143, or 20-10-145;

21 (19) for districts which do not employ a district
22 superintendent or principal, recommend library book and
23 textbook selections in accordance with the provisions of
24 20-7-204 or 20-7-602;

25 (20) notify the superintendent of public instruction of

1 a textbook dealer's activities when required under the
2 provisions of 20-7-605 and otherwise comply with the
3 textbook dealer provisions of this title;

4 (21) act on district requests to allocate federal money
5 for indigent children for school food services in accordance
6 with the provisions of 20-10-205;

7 (22) perform any other duty prescribed from time to
8 time by this title, any other act of the legislature, the
9 policies of the board of public education, the policies of
10 the board of regents relating to community college
11 districts, or the rules of the superintendent of public
12 instruction;

13 (23) administer the oath of office to trustees without
14 the receipt of pay for administering the oath;

15 (24) keep a record of his official acts, preserve all
16 reports submitted to him under the provisions of this title,
17 preserve all books and instructional equipment or supplies,
18 keep all documents applicable to the administration of the
19 office, and surrender such records, books, supplies, and
20 equipment to his successor;

21 (25) within 90 days after the close of the school
22 fiscal year, publish an annual report in the county
23 newspaper stating the following financial information for
24 the school fiscal year just ended for each district of the
25 county:

1 (a) the total of the cash balances of all funds
2 maintained by the district at the beginning of the year;

3 (b) the total receipts that were realized in each fund
4 maintained by the district;

5 (c) the total expenditures that were made from each
6 fund maintained by the district; and

7 (d) the total of the cash balances of all funds
8 maintained by the district at the end of the school fiscal
9 year; and

10 ~~{26} review, investigate, and accept for filing or~~
11 ~~reject any statement from a nonpublic school submitted in~~
12 ~~accordance with 20-5-102 and make the statement available to~~
13 ~~the attendance officer of the district in which the~~
14 ~~nonpublic school is located; and~~

15 ~~{26}{27}~~ hold meetings for the members of the trustees
16 from time to time at which matters for the good of the
17 districts shall be discussed."

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

19 "20-5-102. Compulsory enrollment and excuses. (1)
20 Except as provided in subsection (2), any parent, guardian,
21 or other person who is responsible for the care of any child
22 who is 7 years of age or older prior to the first day of
23 school in any school fiscal year shall cause the child to be
24 instructed in the program prescribed by the board of public
25 education pursuant to 20-7-111 until the later of the

1 following dates:

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

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

5 (2) Such parent, guardian, or other person shall
6 enroll the child in the school assigned by the trustees of
7 the district within the first week of the school term or
8 when he establishes residence in the district unless the
9 child is:

10 (a) enrolled in a private institution--which--provides
11 instruction in the program prescribed by the board of public
12 education--pursuant--to--20-7-111 nonpublic school that has
13 demonstrated compliance with the provisions of [section 5]
14 in a written statement by the child's parent, guardian, or
15 nonpublic school authority, submitted to and accepted for
16 filing by the county superintendent;

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

19 (c) provided with supervised correspondence study or
20 supervised home study under the transportation provisions of
21 this title;

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

1 of this title;

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

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

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

18 Section 4. Section 20-5-105, MCA, is amended to read:

19 "20-5-105. Attendance officer — powers and duties.

20 The attendance officer of any district shall:

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

25 (2) take into custody any child subject to compulsory

1 attendance who is not excused under the provisions of this
2 title and conduct him to the school in which he is or should
3 be enrolled;

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

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

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

13 ~~(6) maintain a record of all parents, guardians, and~~
14 ~~other responsible persons whose children attend nonpublic~~
15 ~~schools in the district, and institute proceedings against~~
16 ~~those parents, guardians, or other responsible persons whose~~
17 ~~children attend a nonpublic school for which a statement of~~
18 ~~compliance with [section 5] has not been accepted for filing~~
19 ~~under 20-3-205; and~~

20 ~~(6)(1)~~ perform any other duties prescribed by the
21 trustees to preserve the morals and secure good conduct of
22 the pupils of the district."

23 **NEW SECTION.** Section 5. Nonpublic school requirements
24 for compulsory enrollment exemption. To qualify its students
25 for exemption from compulsory enrollment under 20-5-102, a

1 nonpublic school shall:

2 (1) provide instruction at least equivalent to the

3 program prescribed by the board of public education pursuant

4 to 20-7-111;

5 (2) offer instruction within buildings and facilities

6 that:

7 (a) comply with local health and safety regulations;

8 (b) provide adequate protection against fire and other

9 hazards;

10 (c) provide adequate furnishings and equipment

11 sufficient in quality and quantity to support the

12 educational program;

13 (d) provide separate instruction areas so designated

14 as to foster educational achievement;

15 (e) provide supervised and safe areas where students

16 may congregate before and after school and at lunch time;

17 and

18 (f) provide adequate safeguards against the loss of

19 educational and administrative records either through

20 storage in fire-resistant containers or facilities or

21 through the retention of duplicates in a separate and

22 distant area;

23 (3) provide at least 180 days of pupil instruction in

24 accordance with 20-1-301 and 20-1-302;

25 (4) employ as administrators, under written contract,

1 only persons, who are certified according to 20-4-101;

2 (5) employ as teachers, under written contract, only

3 persons who are certified according to 20-4-101;

4 (5) maintain for each student a record that includes:

5 (a) a record of attendance;

6 (b) a list of courses completed; and

7 (c) measurement of achievement in each area included

8 in the program of instruction prescribed by the board of

9 public education pursuant to 20-7-111; and

10 (7) provide:

11 (a) a centralized and properly catalogued collection

12 of instructional media exclusive of textbooks, including

13 print and nonprint materials; and

14 (b) a written policy regarding the selection, use, and

15 evaluation of the materials.

16 NEW SECTION. Section 6. Rejection of nonpublic school

17 statement of compliance with compulsory enrollment

18 exemption. Whenever a nonpublic school statement of

19 compliance with the provisions of [section 5], filed

20 pursuant to 20-5-102, is rejected for filing by the county

21 superintendent under 20-3-205, the county superintendent

22 shall notify the person submitting the statement of the

23 reasons for its rejection. An appeal of the rejection may

24 be made to the board of public education within 10 days

25 after the decision is rendered by the county superintendent.

LC 2201/01

1 The decision of the board is final.

2 NEW SECTION. Section 7. Codification instruction.

3 Sections 5 and 6 are intended to be codified as an integral
4 part of Title 20, chapter 5, part 1, and the provisions of
5 Title 20 apply to sections 5 and 6.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 635

3 House Education and Cultural Resources Committee

4

5 A statement of intent is required for House Bill 635
6 because Section 1 provides that the Board of Public
7 Education will consider appeals from the rejection of a
8 nonpublic school's statement of compliance with the
9 compulsory exemption requirements established in new
10 sections 5 and 6. It is contemplated that the Board of
11 Public Education will adopt an appeal procedure that follows
12 the guidelines of the Montana Administrative Procedure Act.

App. by comm. on education
and cultural resources

HOUSE BILL NO. 635

INTRODUCED BY KEENAN, DAILY, ADDY,
PAVLOVICH, J. JENSEN, MENAHAN, PECK

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE EXEMPTION
FOR COMPULSORY ENROLLMENT IN PUBLIC SCHOOLS THAT RELATES TO
PUPILS ENROLLED IN NONPUBLIC AND HOME SCHOOLS; TO ESTABLISH
QUALIFICATIONS FOR THE EXEMPTION; AMENDING SECTIONS
20-2-121, 20-3-205, 20-5-102, AND 20-5-105, MCA."

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

Section 1. Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and
duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher
certification, specialist certification and for the issuance
of an emergency authorization of employment by adopting the
policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher
or specialist certificates and appeals from the denial of
teacher or specialist certification in accordance with the
provisions of 20-4-110;

(3) administer and order the distribution of state
equalization aid in accordance with the provisions of
20-9-344;

(4) adopt and enforce policies to provide uniform
standards and regulations for the design, construction, and
operation of school buses in accordance with the provisions
of 20-10-111;

(5) approve or disapprove a reduction of the number of
hours in a district's school day in accordance with the
provisions of 20-1-302;

(6) adopt policies prescribing the conditions when
school may be conducted on Saturday and the types of
pupil-instruction-related days and approval procedure for
such days in accordance with the provisions of 20-1-303 and
20-1-304;

(7) adopt standards of accreditation and establish the
accreditation status of every school in accordance with the
provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected
by the superintendent of public instruction for the
educational media library in accordance with the provisions
of 20-7-201;

(9) adopt policies for the conduct of special
education in accordance with the provisions of 20-7-402;

~~(10) consider appeals from the rejection of a nonpublic
or a home school's statement of compliance with the
compulsory enrollment exemption requirements, in accordance
with the provisions of 20-5-102 and (sections 5 and 6); and~~

1 ~~(10)~~ (11) perform any other duty prescribed from time to
2 time by this title or any other act of the legislature."

3 Section 2. Section 20-3-205, MCA, is amended to read:

4 "20-3-205. Powers and duties. The county
5 superintendent has general supervision of the schools of the
6 county within the limitations prescribed by this title and
7 shall perform the following duties or acts:

8 (1) determine, establish, and reestablish trustee
9 nominating districts in accordance with the provisions of
10 20-3-352, 20-3-353, and 20-3-354;

11 (2) administer and file the oaths of members of the
12 boards of trustees of the districts in his county in
13 accordance with the provisions of 20-3-307;

14 (3) register the teacher or specialist certificates or
15 emergency authorization of employment of any person employed
16 in the county as a teacher, specialist, principal, or
17 district superintendent in accordance with the provisions of
18 20-4-202;

19 (4) act on each tuition application submitted to him
20 in accordance with the provisions of 20-5-301, 20-5-302,
21 20-5-304, and 20-5-311 and transmit the tuition information
22 required by 20-5-312;

23 (5) file a copy of the audit report for a district in
24 accordance with the provisions of 20-9-203;

25 (6) classify districts in accordance with the

1 provisions of 20-6-201 and 20-6-301;

2 (7) keep a transcript and reconcile the district
3 boundaries of the county in accordance with the provisions
4 of 20-6-103;

5 (8) fulfill all responsibilities assigned to him under
6 the provisions of this title regulating the organization,
7 alteration, or abandonment of districts;

8 (9) act on any unification proposition and, if
9 approved, establish additional trustee nominating districts
10 in accordance with 20-6-312 and 20-6-313;

11 (10) estimate the average number belonging (ANB) of an
12 opening school in accordance with the provisions of
13 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

14 (11) process and, when required, act on school
15 isolation applications in accordance with the provisions of
16 20-9-302;

17 (12) complete the budgets, compute the budgeted
18 revenues and tax levies, give notices of the budget
19 meetings, file final and emergency budgets, and fulfill such
20 other responsibilities assigned to him under the provisions
21 of this title regulating school budgeting systems;

22 (13) submit an annual financial report to the
23 superintendent of public instruction in accordance with the
24 provisions of 20-9-211;

25 (14) quarterly, unless otherwise provided by law, order

1 the county treasurer to apportion state money, county school
2 money, and any other school money subject to apportionment
3 in accordance with the provisions of 20-9-212, 20-9-334,
4 20-9-347, 20-10-145, or 20-10-146;

5 (15) act on any request to transfer average number
6 belonging (ANB) in accordance with the provisions of
7 20-9-313(3);

8 (16) calculate the estimated budgeted general fund
9 sources of revenue in accordance with the provisions of
10 20-9-348 and the other general fund revenue provisions of
11 the general fund part of this title;

12 (17) compute the revenues and the district and county
13 levy requirements for each fund included in each district's
14 final budget and report such computations to the board of
15 county commissioners in accordance with the provisions of
16 the general fund, transportation, bonds, and other school
17 funds parts of this title;

18 (18) file and forward bus driver certifications,
19 transportation contracts, and state transportation
20 reimbursement claims in accordance with the provisions of
21 20-10-103, 20-10-143, or 20-10-145;

22 (19) for districts which do not employ a district
23 superintendent or principal, recommend library book and
24 textbook selections in accordance with the provisions of
25 20-7-204 or 20-7-602;

1 (20) notify the superintendent of public instruction of
2 a textbook dealer's activities when required under the
3 provisions of 20-7-605 and otherwise comply with the
4 textbook dealer provisions of this title;

5 (21) act on district requests to allocate federal money
6 for indigent children for school food services in accordance
7 with the provisions of 20-10-205;

8 (22) perform any other duty prescribed from time to
9 time by this title, any other act of the legislature, the
10 policies of the board of public education, the policies of
11 the board of regents relating to community college
12 districts, or the rules of the superintendent of public
13 instructions;

14 (23) administer the oath of office to trustees without
15 the receipt of pay for administering the oath;

16 (24) keep a record of his official acts, preserve all
17 reports submitted to him under the provisions of this title,
18 preserve all books and instructional equipment or supplies,
19 keep all documents applicable to the administration of the
20 office, and surrender such records, books, supplies, and
21 equipment to his successor;

22 (25) within 90 days after the close of the school
23 fiscal year, publish an annual report in the county
24 newspaper stating the following financial information for
25 the school fiscal year just ended for each district of the

1 county:

2 (a) the total of the cash balances of all funds

3 maintained by the district at the beginning of the year;

4 (b) the total receipts that were realized in each fund

5 maintained by the district;

6 (c) the total expenditures that were made from each

7 fund maintained by the district; and

8 (d) the total of the cash balances of all funds

9 maintained by the district at the end of the school fiscal

10 year; and

11 ~~(26) reviews, investigate, and accept for filing or~~

12 ~~reject any statement from a nonpublic OR A HOME school~~

13 ~~submitted in accordance with 20-5-102 and make the statement~~

14 ~~available to the attendance officer of the district in which~~

15 ~~the nonpublic OR HOME school is located; and~~

16 ~~(26)(27) hold meetings for the members of the trustees~~

17 ~~from time to time at which matters for the good of the~~

18 ~~districts shall be discussed."~~

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

20 "20-5-102. Compulsory enrollment and excuses. (1)

21 Except as provided in subsection (2), any parent, guardian,

22 or other person who is responsible for the care of any child

23 who is 7 years of age or older prior to the first day of

24 school in any school fiscal year shall cause the child to be

25 instructed in the program prescribed by the board of public

1 education pursuant to 20-7-111 until the later of the

2 following dates:

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

4 (b) the date of completion of the work of the 8th

5 grade.

6 (2) Such parent, guardian, or other person shall

7 enroll the child in the school assigned by the trustees of

8 the district within the first week of the school term or

9 when he establishes residence in the district unless the

10 child is:

11 (a) enrolled in a private institution--which--provides

12 instruction in the program prescribed by the board of public

13 education--pursuant--to--20-7-111 nonpublic OR A HOME school

14 that has demonstrated compliance with the provisions of

15 [section 5] in a written statement by the child's parent, OR

16 guardian, IN THE CASE OF A HOME SCHOOL, or BY A nonpublic

17 school authority, submitted to and accepted for filing by

18 the county superintendent;

19 (b) enrolled in a school of another district or state

20 under any of the tuition provisions of this title;

21 (c) provided with supervised correspondence study or

22 supervised home study under the transportation provisions of

23 this title;

24 (d) excused from enrollment in a school of the

25 district when it is shown that his bodily or mental

1 condition does not permit his attendance and the child
2 cannot be instructed under the special education provisions
3 of this title;

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

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

11 (3) The excuse provided for in subsection (2)(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."

20 Section 4. Section 20-5-105, MCA, is amended to read:

21 "20-5-105. Attendance officer -- powers and duties.
22 The attendance officer of any district shall:

23 (1) be vested with police powers, the authority to
24 serve warrants, and the authority to enter places of
25 employment of children in order to enforce the compulsory

1 attendance provisions of this title;

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

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

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

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

15 ~~[(5)] maintain a record of all parents, guardians, and~~
16 ~~other responsible persons whose children attend nonpublic QR~~
17 ~~HOME schools in the district, and institute proceedings~~
18 ~~against those parents, guardians, or other responsible~~
19 ~~persons whose children attend a nonpublic QR A HOME school~~
20 ~~for which a statement of compliance with [section 5] has not~~
21 ~~been accepted for filing under 20-3-205; and~~

22 ~~[(6)]~~ perform any other duties prescribed by the
23 trustees to preserve the morals and secure good conduct of
24 the pupils of the district."

25 ~~NEW SECTION.~~ Section 5. Nonpublic QR HOME school

1 requirements for compulsory enrollment exemption. To qualify
 2 its students for exemption from compulsory enrollment under
 3 20-5-102, a nonpublic ~~OR A HOME~~ school shall:

4 (1) provide instruction at least equivalent to the
 5 program prescribed by the board of public education pursuant
 6 to 20-7-111;

7 (2) offer instruction within buildings and facilities
 8 that:

9 (a) comply with local health and safety regulations;

10 ~~to--provide-adequate-protection-against-fire-and-other~~
 11 ~~hazards;~~

12 ~~to--provide---adequate---furnishings---and---equipment~~
 13 ~~sufficient---in---quantity---and---quantity---to---support---the~~
 14 ~~educational-program;~~

15 ~~to--provide-separate-instruction-areas--so--designated~~
 16 ~~as-to-foster-educational-achievement;~~

17 ~~to--provide--supervised--and--safe--areas--where--students~~
 18 ~~may-congregate-before-and-after-school-and--at--lunch--time;~~
 19 and

20 (f)(B) provide adequate safeguards against the loss of
 21 educational and administrative records either through
 22 storage in fire-resistant containers or facilities or
 23 through the retention of duplicates in a separate and
 24 distant area;

25 (3) provide at least 180 days of pupil instruction ~~OR~~

1 THE EQUIVALENT NUMBER OF HOURS in accordance with 20-1-301
 2 and 20-1-302;

3 (4) ~~IN THE CASE OF A NONPUBLIC SCHOOL,~~ employ as
 4 administrators, under written contract, only persons, who
 5 ~~are-certified-according-to-20-4-101;~~

6 (A) ~~ARE CERTIFIED TO TEACH IN ANY STATE;~~

7 (B) ~~ARE ENROLLED IN AN EDUCATION PROGRAM LEADING TO~~
 8 ~~TEACHER CERTIFICATION;~~ OR

9 (C) ~~PROVIDE EVIDENCE OF ACCEPTABLE EXPERIENCE~~
 10 ~~ACCORDING TO CLEARLY IDENTIFIED CRITERIA CONSISTENT WITH THE~~
 11 ~~EDUCATIONAL GOALS OF THE SCHOOL;~~

12 (5) ~~IN THE CASE OF A NONPUBLIC SCHOOL,~~ employ as
 13 teachers, under written contract, only persons who are
 14 ~~certified-according-to-20-4-101;~~

15 (A) ~~ARE CERTIFIED TO TEACH IN ANY STATE;~~

16 (B) ~~TEACH AT LEAST HALFTIME IN A SUBJECT AREA IN WHICH~~
 17 ~~THE PERSON HOLDS A BACHELOR OF SCIENCE OR A BACHELOR OF ARTS~~
 18 ~~DEGREE;~~ OR

19 (C) ~~PROVIDE EVIDENCE OF ACCEPTABLE EXPERIENCE~~
 20 ~~ACCORDING TO CLEARLY IDENTIFIED CRITERIA CONSISTENT WITH THE~~
 21 ~~EDUCATIONAL GOALS OF THE SCHOOL;~~

22 (6) ~~IN THE CASE OF A HOME SCHOOL, ALLOW AS TEACHERS~~
 23 ~~ONLY PERSONS WHO MEET THE REQUIREMENTS OF SUBSECTIONS (5)(A)~~
 24 ~~THROUGH (C); AND~~

25 (f)(7) maintain for each student a record that

1 includes:

2 (a) a record of attendance;

3 (b) a list of courses completed; and

4 (c) measurement of achievement in each area included

5 in the program of instruction prescribed by the board of

6 public education pursuant to 20-7-111~~1~~-end

7 ~~1111--provides~~

8 ~~(a)--a--centralized--and--properly--catalogued--collection~~

9 ~~of--instructional--media--exclusive--of--textbooks--including~~

10 ~~print--and--nonprint--materials--and~~

11 ~~(b)--a--written--policy--regarding--the--selection--use--and~~

12 ~~evaluation--of--the--materials.~~

13 ~~NEW_SECTION.~~ Section 6. Rejection of nonpublic ~~OR~~

14 ~~HOME~~ school statement of compliance with compulsory

15 enrollment exemption. Whenever a nonpublic ~~OR_A_HOME~~ school

16 statement of compliance with the provisions of [section 5],

17 filed pursuant to 20-5-102, is rejected for filing by the

18 county superintendent under 20-3-205, the county

19 superintendent shall notify the person submitting the

20 statement of the reasons for its rejection. An appeal of

21 the rejection may be made to the board of public education

22 within 10 days after the decision is rendered by the county

23 superintendent. The decision of the board is final.

24 ~~NEW_SECTION.~~ Section 7. Codification instruction.

25 Sections 5 and 6 are intended to be codified as an integral

1 part of Title 20, chapter 5, part 1, and the provisions of

2 Title 20 apply to sections 5 and 6.

-End-