

SENATE BILL NO. 331

Introduced: 02/01/83

Referred to committee on Education & Cultural Resources:

02/01/83

Hearing: 2/4/83

Died in Committee.

1 *Amended* BILL NO. 331  
 2 INTRODUCED BY *Leitung*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
 5 EXEMPTIONS TO COMPULSORY ENROLLMENT IN PUBLIC SCHOOLS BY  
 6 PROVIDING THAT A CHILD MAY BE EXEMPT IF ENROLLED IN A  
 7 PRIVATE, PAROCHIAL, OR CHURCH SCHOOL THAT OFFERS AN  
 8 ORGANIZED COURSE OF STUDY COVERING CERTAIN SUBJECTS;  
 9 AMENDING SECTION 20-5-102, MCA."

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

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

13 "20-5-102. Compulsory enrollment and excuses. (1)  
 14 Except as provided in subsection (2), any parent, guardian,  
 15 or other person who is responsible for the care of any child  
 16 who is 7 years of age or older prior to the first day of  
 17 school in any school fiscal year shall cause the child to be  
 18 instructed in the program prescribed by the board of public  
 19 education pursuant to 20-7-111 until the later of the  
 20 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, ~~parochial~~ or  
 5 church school which provides instruction ~~in the program~~  
 6 ~~prescribed by the board of public education pursuant to~~  
 7 ~~20-7-111~~ an organized course of study that includes  
 8 mathematics, science, social studies, and language arts,  
 9 including reading and writing;

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

12 (c) provided with supervised correspondence study or  
 13 supervised home study under the transportation provisions of  
 14 this title;

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

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

23 (f) excused by the board of trustees upon a  
 24 determination that such attendance by a child who has  
 25 attained the age of 16 is not in the best interest of the

1 child and the school.  
2 (3) The excuse provided for in subsection (2)(d) of  
3 this section shall be issued by the district superintendent  
4 or the county superintendent when there is no district  
5 superintendent employed by the district. Whenever an excuse  
6 is denied by the applicable official, an appeal of such  
7 decision may be made to the district court of the county  
8 within 10 days after the decision upon giving a bond in the  
9 amount set by the court to pay all costs of the appeal. The  
10 decision of the district court shall be final."

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