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INTRODUCED BY House BILL NO. 245  
*Simpkins*

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CHILD TO LEAVE SCHOOL AFTER COMPLETING THE EIGHTH GRADE; AND 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) 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 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~~ earlier of the following dates:

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

(2) A 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~~ the parent, guardian, or other person establishes residence in the district unless the child is:

- (a) enrolled in a school of another district or state under any of the tuition provisions of this title;
- (b) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;
- (c) excused from compulsory school attendance upon a determination by a district judge that attendance is not in the best interest of the child;
- (d) excused by the board of trustees upon a determination that attendance by a child who has ~~attained the age of 16~~ not completed the work of the 8th grade is not in the best interest of the child and the school; or
- (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection (2)(e), a home school is the instruction by a parent of ~~his~~ a child, stepchild, or ward in ~~his~~ the parent's residence and a nonpublic school includes a parochial, church, religious, or private

1 school."

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

4 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any  
5 parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older  
6 prior to the first day of school in any school fiscal year shall cause the child to attend the school in which  
7 ~~he~~ the child is enrolled for the school term and each school day ~~therein~~ during the term prescribed by the  
8 trustees of the district until the ~~later~~ earlier of the following dates:

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

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

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

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

13 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies  
14 of the trustees.

15 (c) The child has been suspended or expelled under the provisions of 20-5-202."

16

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0245, as introduced

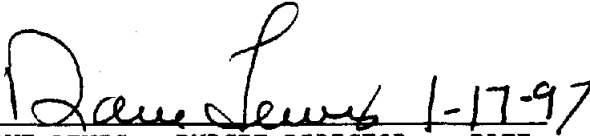
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DESCRIPTION OF PROPOSED LEGISLATION: An act allowing a child to leave school after completing the eighth grade.

ASSUMPTIONS:

1. HB 245 will not have a significant impact on the number of students that leave school before their 16th birthday.

FISCAL IMPACT: If children exit from public schools under this act state general fund costs of school equalization will be reduced. We do not have information to determine if or how many students might leave.

  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

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DICK SIMPKINS, PRIMARY SPONSOR      DATE

Fiscal Note for HB0245, as introduced  
**HB 245**