

HOUSE BILL NO. 192

INTRODUCED BY D. FERN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CONDITIONS FOR COMPULSORY SCHOOL ENROLLMENT AND ATTENDANCE; INCREASING THE AGE FOR REQUIRED ENROLLMENT AND ATTENDANCE TO AGE 18 OR COMPLETION OF REQUIREMENTS FOR HIGH SCHOOL GRADUATION OR EQUIVALENCY OF COMPLETION OF SECONDARY EDUCATION WITH EXCEPTIONS; AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 a parent, guardian, or other person who is responsible for the care of any a child who is 7 years of age or older prior to the first day of school in any a 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~~ earliest of the following dates:

- (a) the child's ~~16th~~ 18th birthday; ~~or~~
- (b) the date of completion of ~~the work of the 8th grade~~ high school graduation requirements; or
- (c) the date of certification that the child has satisfied the requirements for equivalency of completion as provided in 20-7-131.

(2) A parent, guardian, or other person who is responsible for the care of a child required to receive instruction under subsection (1) shall enroll the child in the public school assigned by the trustees of the district within the first week of the school term or when the parent, guardian, or 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;~~
- ~~(e)~~(b) excused from ~~compulsory school attendance~~ enrollment upon a determination by a district judge that attendance is not in the best interest of the child;
- ~~(d)~~(c) excused from enrollment by the board of trustees upon a determination that attendance by a child

1 who has attained the age of 16 is not in the best interest of the child and the school; or

2 (d) at least 16 years of age, withdrawn from school, and enrolled in an adult basic education program,
3 the Montana youth challenge program, a Montana job corps program, an accredited postsecondary program, or
4 a registered apprenticeship program; or

5 (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the
6 purposes of this subsection (2)(e), a home school is the instruction by a parent of the parent's child, stepchild,
7 or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private
8 school."

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

11 **"20-5-103. Compulsory attendance and excuses.** ~~(1) Except as provided in subsection (2), any A~~
12 ~~parent, guardian, or other person who is responsible for the care of any a child who is 7 years of age or older prior~~
13 ~~to the first day of school in any school fiscal year~~ enrolled in a public school pursuant to 20-5-102 shall cause the
14 child to attend the school in which the child is enrolled for the school term and each school day in the term
15 prescribed by the trustees of the district ~~until the later of the following dates:~~

16 ~~—— (a) the child's 16th birthday; or~~

17 ~~—— (b) the date of completion of the work of the 8th grade.~~

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

19 ~~—— (a) The child has been excused under one of the conditions specified in 20-5-102; unless the child:~~

20 (1) is receiving supervised correspondence study or supervised home study from the district under the
21 transportation provisions of this title;

22 ~~(b)(2) The child is absent because of illness, bereavement, or other reason prescribed by the policies~~
23 ~~of the trustees; or~~

24 ~~(c)(3) The child has been suspended or expelled under the provisions of 20-5-202."~~

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26 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2017.

27 - END -