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Montana Home School Information

Introduction. The Office of Public Instruction receives dozens of calls each year from people with questions about home schooling. Many of those calling request that OPI provide to them a summary of Montana law pertaining to home schooling. This document outlines the key statutes addressing home schooling in Montana. Attached to this document is the full text of statutes and administrative rules that may be of interest to those with questions about home schooling. The statutes discussed below may also be found in the 2005 Montana Code Annotated and have been in effect for many years. This packet of information is not provided as a complete analysis of this issue. Nothing contained in this packet should be considered as the rendering of legal advice for specific cases.

Compulsory Enrollment and Exceptions. Montana law states: "Except as provided in [Mont. Code Ann. §20-5-102(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 of the following dates: (a) the child's 16th birthday; (b) the date of completion of the work of the 8th grade." Mont. Code Ann. §20-5-102(1) (2005).

Home School Exception to Compulsory Enrollment. In Mont. Code Ann. §20-5-102(2), Montana law provides that 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 establishes residence in the district unless the child is: * * * (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection (e), a home school is the instruction by a parent of his child, stepchild, or ward in his residence and a nonpublic school includes a parochial, church, religious, or private school." Mont. Code Ann. §20-5-102(2) (2005).

Home School Requirements. Section 20-5-109, Mont. Code Ann. states: "To qualify its students for exemption from compulsory enrollment under [20-5-102](#), a nonpublic or home school:

- (1) shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;
- (2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with [20-1-301](#) and [20-1-302](#);
- (3) must be housed in a building that complies with applicable local health and safety regulations;
- (4) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to [20-7-111](#); and

(5) in the case of home schools, shall notify the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student's attendance at the school."

Responsibilities and Rights of Parent Who Provides Home School and Rights of Child in Home School. Section 20-5-111, Mont. Code. Ann., states that "[s]ubject to the provisions of 20-5-109, a parent has the authority to instruct his child, stepchild, or ward in a home school and is solely responsible for:

- (1) the educational philosophy of the home school;
- (2) the selection of instructional materials, curriculum, and textbooks;
- (3) the time, place, and method of instruction; and
- (4) the evaluation of the home school instruction." Mont. Code Ann, § 20-5-111 (2005).

The following information is attached:

- Montana statutes relating to home schooling
- Montana School Accreditation Standards that identify basic education programs for elementary, middle grades, and high school, including graduation .

Addresses of home schooling associations that may assist you:

Association of Nonpublic Schools of Montana
P O Box 1708
Helena, MT 59624

The Grapevine
P O Box 3228
Missoula, MT 59806

Montana Coalition of Home Educators
P O Box 43
Gallatin Gateway, MT 59730
Web Site: www.mtche.org

Vanessa Lund
5008 Creekmore Rd.
Huntley, MT 59037
Phone 406-245-2980
Email: 102572.3222@compuserve.com

For additional copies of the home school packet, contact Lindy Miller, Data Specialist at 406-444-6774

MONTANA CODE ANNOTATED - 2005

20-1-301. School fiscal year. (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient or a minimum of 360 aggregate hours of pupil instruction must be conducted for a kindergarten program, as provided in [20-7-117](#).

(2) The minimum aggregate hours required by grade are:

(a) 720 hours for grades 1 through 3; and

(b) 1,080 hours for grades 4 through 12.

(3) For any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), the superintendent of public instruction shall reduce the direct state aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed.

20-1-302. School term, day, and week. (1) Subject to [20-1-301](#), [20-1-308](#), and any applicable collective bargaining agreement covering the employment of affected employees, the trustees of a school district shall set the number of days in a school term, the length of the school day, and the number of school days in a school week and report them to the superintendent of public instruction.

(2) When proposing to adopt changes to a previously adopted school term, school week, or school day, the trustees shall:

(a) negotiate the changes with the recognized collective bargaining unit representing the employees affected by the changes;

(b) solicit input from the employees affected by the changes but not represented by a collective bargaining agreement; and

(c) solicit input from the people who live within the boundaries of the school district.

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 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 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 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 (e), a home school is the instruction by a parent of his child, stepchild, or ward in his residence and a nonpublic school includes a parochial, church, religious, or private school.

20-5-103. Compulsory attendance 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 attend the school in which he is enrolled for the school term and each school day therein prescribed by the trustees of the district until the later of the following dates:

(a) the child's 16th birthday;

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

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

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

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

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

20-5-109. Nonpublic school requirements for compulsory enrollment exemption. To qualify its students for exemption from compulsory enrollment under [20-5-102](#), a nonpublic or home school:

(1) shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;

(2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with [20-1-301](#) and [20-1-302](#);

(3) must be housed in a building that complies with applicable local health and safety regulations;

(4) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to [20-7-111](#); and

(5) in the case of home schools, shall notify the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student's attendance at the school.

20-5-110. School district assessment for placement of a child who enrolls from a nonaccredited, nonpublic school. The trustees of a school district shall:

(1) adopt a district policy on assessment for placement of any child who enrolls in a school of the district and whose previous place of instruction was a nonpublic school that is not accredited;

(2) include in the adopted policy the following provisions:

(a) the specific assessment for placement to be administered to any child subject to the provisions of subsection (1);

(b) a procedure for grade and program placement of the child based on results of the assessment for placement, including considerations for the age and identified abilities of the child; and

(c) a hearing process before the board of trustees of the district if the parent or guardian of a child is not in agreement with the placement of the child and requests a hearing before the board; and

(3) administer the adopted policy required in subsection (1) in a uniform and fair manner.

20-5-111. Responsibilities and rights of parent who provides home school -- rights of child in home school. Subject to the provisions of 20-5-109, a parent has the authority to instruct his child, stepchild, or ward in a home school and is solely responsible for:

- (1) the educational philosophy of the home school;
- (2) the selection of instructional materials, curriculum, and textbooks; and
- (3) the time, place, and method of instruction; and
- (4) the evaluation of the home school instruction.

20-7-111. Instruction in public schools. The board of public education shall define and specify the basic instructional program for pupils in public schools, and such program shall be set forth in the standards of accreditation. Other instruction may be given when approved by the board of trustees.

ADMINISTRATIVE RULES OF MONTANA

Title 10 - Education Chapter 55 - Standards of Accreditation Sub-Chapter 9 - Academic Requirements

10.55.901 BASIC EDUCATION PROGRAM: ELEMENTARY (1) An elementary school shall have an education program aligned to the program area standards that enables students to meet the content and performance standards.

10.55.902 BASIC EDUCATION PROGRAM: MIDDLE GRADES (1) A school with middle grades must have an education program aligned to the program area standards that enables all students to meet the content and performance standards.

(2) In order to receive funding at the high school rate for grades 7 and 8, the program must follow either the middle school philosophy and components described in (3) or the departmentalized philosophy and components (often seen in junior high settings) described in (4).

(3) An officially recognized middle school must be approved by the board of public education upon recommendation of the superintendent of public instruction.

(a) A middle school specifically addresses the unique nature of middle-grade children by focusing on their intellectual, social, emotional, and physical development. To put such philosophy into practice, a middle school must have flexibility to:

(i) approach instruction, scheduling, and teaching in a variety of ways;
(ii) undertake interdisciplinary work; and
(iii) plan blocks of coursework deriving from the intellectual, social, emotional, and physical needs of middle school students.

(b) Critical and creative thinking, career awareness, lifelong learning, and safety must be incorporated in the school program.

(c) At a minimum, the following program areas shall be required of all students yearly:

(i) communication arts including, but not limited to literature, reading, writing, speaking and listening, media literacy;

(ii) mathematics including, but not limited to written and mental computation and problem solving;

(iii) physical and life sciences;

(iv) social studies; and

(v) health enhancement.

(d) At a minimum, the middle school curriculum shall maintain in balance the following required program areas:

(i) visual arts including, but not limited to art history, art criticism, aesthetic perception, and production;

(ii) music including, but not limited to general, instrumental, and vocal (emphasizing comprehensive music elements, music history, criticism, aesthetic perception, and musical production);

(iii) vocational technical education such as agriculture, business education, family and consumer sciences, industrial arts, and marketing; and

(iv) world languages.

(e) Exploratory courses such as creative writing, dance, drama, photography, and leadership shall be offered as electives to all students.

(4) A junior high or 7-8 school for middle grades must offer an educational program, aligned to the program area standards, that enables all students to meet the content and performance standards. The educational program shall be designed to familiarize students with the high school setting and provide content-specific instruction.

(a) All students shall complete the following program areas each year:

- (i) communication arts--1 unit;
- (ii) social studies--1 unit;
- (iii) mathematics--1 unit;
- (iv) science--1 unit; and
- (v) health enhancement--1/2 unit.
- (b) All students must be allowed to elect from the following program area offerings:
 - (i) visual arts--1/2 unit;
 - (ii) music--1/2 unit;
 - (iii) vocational technical education--1/2 unit; and
 - (iv) world languages--1/2 unit.
- (c) A unit is defined as the equivalent of at least 225 minutes per week for one school year.
- (d) Time to pass between classes may be counted toward the standard school day but shall not be counted toward class time.

10.55.904 BASIC EDUCATION PROGRAM OFFERINGS: HIGH SCHOOL

- (1) The basic education program, aligned to the program area standards, for grades 9 through 12 shall be at least 20 units of coursework that enable all students to meet the content and performance standards.
- (2) Minimum offerings shall include at least the following:
 - (a) 4 units of English language arts;
 - (b) 3 units of mathematics;
 - (c) 3 units of science;
 - (d) 3 units of social studies;
 - (e) 2 units of vocational/technical education;
 - (f) 2 units of arts;
 - (g) 1 unit of health enhancement;
 - (h) 2 units of world languages; and
 - (i) 2 units of electives.

10.55.905 GRADUATION REQUIREMENTS (1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that enable all students to meet the content and performance standards.

- (2) In order to meet the content and performance standards, the following 13 units shall be part of the 20 units required for all students to graduate:
 - (a) 4 units of English language arts;
 - (b) 2 units of mathematics;
 - (c) 2 units of social studies;
 - (d) 2 units of science;
 - (e) 1 unit of health enhancement, with 1/2 unit each year for two years;
 - (f) 1 unit of arts;
 - (g) 1 unit of vocational/technical education.
- (3) Units of credit earned in any Montana high school accredited by the board of public education shall be accepted by all Montana high schools.
- (4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.

10.55.906 HIGH SCHOOL CREDIT (1) A high school shall require a minimum of 20 units of credit for graduation, including ninth grade units. A unit of credit shall be given for satisfactory completion of a full-unit course.

- (a) A unit of credit is defined as the equivalent of at least 225 minutes per week for one year.
- (b) Passage of time between classes may be counted toward the standard school day but shall not be counted toward class time.

(2) A student who is unable to attend class for the required amount of time may be given fractional credit for partial completion of a course, with the local administrator's permission.

(3) Each governing authority may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

(4) With the permission of the school district trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's curriculum and assessment requirements, which are aligned with the content and performance standards stated in the education program. Examples of possible acceptable course work include correspondence and extension courses, distance learning courses, adult education, summer school, work study, specially designed courses and challenges to current courses. Any acceptable program must be consistent with local board policy.

(a) Any Montana high school shall accept such units of credit taken with the approval of the accredited Montana high school in which the student was then enrolled and which appear on the student's official transcript.