

Exhibit Number: 2

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

Montana Coalition of Home Educators

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Executive Committee

Tom Stockton - Chairman
Helena
449-3670

Trevis Butcher
Lewistown
462-8000

Steve Lund
Billings
245-2980

Mark Roedel
Kalispell
756-0801

Russ Wahl
Cut Bank
338-5858

Stephen White - Legislative Liaison
Bozeman
587-6163

Advisory Committee

Stillwater County Homeschoolers
Beaverhead Home Educators
Yellowstone County Home Educators
Ravalli County Parent Educators
Boulder Home Educators
Butte Area Home Educators
Cascade Homeschoolers
Chester Area Home Educators
Colstrip Homeschool Group
East Slope Academic Association
Flathead Valley Homeschoolers Association
Gallatin Valley Homeschoolers
Madison Valley Christian Homeschoolers
Lewistown Homeschoolers
Glendive Area Home Educators
Helena Area Christian Home Educators
Hi Line Homeschoolers
Independent Homeschoolers Network
Laurel Area Homeschoolers
Lincoln County Christian Home Educators
Meagher County Homeschoolers
Mission Valley Homeschoolers
Missoula Homeschoolers Association
Granite County Homeschoolers
Glacier County Home Educators
Park County Homeschoolers Association
Seeley-Swan Homeschoolers
Shelby Home Educators
Whitehall Area Homeschoolers

Testimony of Steve White, Legislative Liaison Montana Coalition of Home Educators

To the Members of the House Education Committee

**This testimony is being presented in opposition to SJ5 -
Resolution to study truancy in public schools**

Present Truancy Laws Need to Be Enforced

Every Montana student between the ages of 7 and 16 is subject compulsory attendance laws (20-5-102 MCA), unless specifically exempted as per 20-5-109 MCA. Montana law 20-5-106 MCA authorizes truant officers to act 'whenever the truant officer discovers a child truant from school or a child subject to compulsory attendance.

ANY non-public student who does not comply with all required subsections of 20-5-109 MCA, IS NOT exempt from Montana's compulsory attendance laws. HE OR SHE IS then technically truant. 20-5-106 MCA authorizes truant officers to act 'whenever the truant officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school providing the required instruction....'

A quick review of 20-5-105 MCA demonstrates that the truant officer has extraordinary powers (attached). **Subsection 1** gives him police power, which inherently includes the power to make investigations and explicitly includes the power to serve warrants. **Subsection 2** gives the truant officers the authority to take children into custody and take them to school. **Subsection 3** gives him the power to do 'whatever else is required to investigate and enforce the compulsory attendance law.' And **Subsection 4** gives him the power to commence legal action against truant parents and children.

You will find no broader grant of authority to truant officers anywhere in the nation.

Laws already exist to combat truancy, by utilizing existing attendance officers in local school districts. Many school districts across the state already fully address truancy with well-publicized policies (attached). It is unnecessary to establish a two-year study as required by the passage of SJ5.

Concerns of the Home Education Community

Though this bill references truancy concerns in public schools, there is great concern from the homeschool community in Montana. I attended the Senate hearing on SJ5 and did not testify. The Senate Judiciary Committee tabled SJ5 on January 25th. Only recently did the committee revive SJ5 and pass it to the House for consideration.

The concern of Montana's home education families is in the references that have been made regarding public school truancy v. homeschooling. In February the Senate Education Committee heard testimony regarding Senator Ryan's SB291 homeschool bill. In Senator Ryan's opening remarks he stated:

"This bill is directed at the people that take the freedom you have as homeschoolers, to take their children away from education to avoid truancy."

Other proponents in the hearing on SB291 made similar references to homeschooling parents and truancy. Unfounded comments on this even include early claims by the Montana Human Rights Network, when Ken Toole stated in 1999:

"....that their decision to 'home school' is really an easy way around truancy laws..."

As mentioned earlier, Montana has some of the broadest laws in the country regarding truancy. All students are subject to compulsory attendance laws, unless specifically exempted as per 20-5-109 MCA.

ANY student who does not comply with all required subsections of 20-5-109 MCA, IS NOT exempt from Montana's compulsory attendance laws. HE OR SHE IS then technically truant. 20-5-106 MCA authorizes truant officers to act 'whenever the truant officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school providing the required instruction....'

Parents who falsely claim to be home schooling are not providing the required instruction. There is no loophole. **Tuant parents cannot pretend to be one of us – they are not home schoolers.**

But, with the passage of SJ5, it is not hard to imagine a committee that ultimately could focus their attention on home educated students, rather than truant public school students. The committee could easily be able to promote more bills aimed at the homeschool community similar to SB291, in the 2007 Legislative Session.

Summary

The NCSL Report as referenced in SJ5 suggests adding new laws to combat truancy such as not allowing school age children to be in public places during school hours and removal of driver licenses for students not in school or not maintaining a specified grade-point. Many of these recommendations could ultimately create a hardship for home educating families.

According to a recent Gallop Poll of the Public's Attitude Toward the Public Schools (attached), the issue of truancy is not even of real importance. There are many other issues that the public is concerned with.

This session Montana home educators had to deal with SB291, as well as monitor additional bill requests pertaining to educational neglect and testing. We are very concerned with the possibility of the misdirection and misuse of any interim committee as set forth in the passage of SJ5.

Please vote NO on SJ5. Existing truancy laws are adequate with enforcement.

**Table 23. Items most frequently cited by the general public as a major problem facing the local public schools:
Selected years, 1970 to 2003**

Problem	Percent																		
	1970	1975	1980	1985	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Lack of discipline	18	23	26	25	19	19	20	17	15	16	15	15	15	14	18	15	15	17	18
Lack of financial support	17	14	10	9	13	13	18	22	21	13	11	13	15	12	9	18	15	23	25
Fighting/violence/gangs	11	9	14	18	34	38	22	9	13	18	9	14	12	15	11	11	10	9	4
Use of drugs	—	—	—	—	—	—	—	—	16	11	7	16	14	10	8	9	9	13	9
Standards/quality of education ..	—	—	—	—	—	—	—	—	8	8	4	—	8	8	2	6	—	—	4
Large schools/overcrowding	—	10	7	5	8	7	9	9	8	7	3	8	8	8	8	12	10	17	14
Lack of respect	—	—	—	—	—	—	—	—	—	3	3	2	—	2	2	—	—	—	—
Lack of family structure/prob- lems of home life	—	—	—	—	—	—	—	—	—	5	3	4	—	—	—	—	—	—	—
Crime/vandalism	—	—	—	—	—	—	—	—	—	4	2	3	—	2	5	5	—	—	—
Getting good teachers	12	11	6	10	7	7	11	5	5	3	2	3	3	5	4	4	6	8	5
Parents' lack of interest	3	2	6	3	6	4	7	5	4	3	2	—	—	2	4	4	—	—	—
Poor curriculum/standards	6	5	11	11	8	8	10	9	9	3	2	3	—	2	2	2	—	—	—
People's lack of interest/insu- periority	—	3	5	5	3	6	5	3	4	3	2	5	6	5	2	—	—	—	—
Integration/segregation/racial discrimination	17	15	10	4	4	5	5	4	4	3	2	2	—	—	—	—	—	—	—
Management of funds/programs ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Moral standards	—	—	—	2	3	3	3	4	3	—	—	—	—	2	2	—	—	—	—
Low teacher pay	—	—	—	2	4	6	4	3	3	—	—	—	—	2	2	4	—	—	—
Teachers' lack of interest	—	—	6	4	4	4	2	2	—	—	—	—	—	—	—	—	—	—	—
Drinking/alcoholism	—	—	2	3	4	4	2	2	—	—	—	—	—	—	—	—	—	—	—
Lack of proper facilities	11	3	2	1	1	2	—	—	—	—	—	—	—	—	—	—	—	—	—

—Not available.

NOTE: Respondents were permitted to select multiple or no major problems.

SOURCE: Phi Delta Kappa, Phi Delta Kappa, "The Annual Gallup Poll of the Public's Attitudes Toward the Public Schools," selected years 1970-2003. (This table was prepared August 2003.)

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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.

History: En. 75-6303 by Sec. 116, Ch. 5, L. 1971; amd. Sec. 1, Ch. 389, L. 1971; amd. Sec. 3, Ch. 91, L. 1973; amd. Sec. 2, Ch. 137, L. 1975; R.C.M. 1947, 75-6303; amd. Sec. 1, Ch. 504, L. 1979; amd. Sec. 1, Ch. 355, L. 1983; amd. Sec. 1, Ch. 249, L. 1991.

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20-5-106. Truancy. (1) Whenever the attendance officer discovers a child truant from school or a child subject to compulsory attendance who is not enrolled in a school providing the required instruction and has not been excused under the provisions of this title, he shall notify in writing the parent, guardian, or other person responsible for the care of the child that the continued truancy or nonenrollment of his child shall result in his prosecution under the provisions of this section. If the child is not enrolled and in attendance at a school or excused from school within 2 days after the receipt of the notice, the attendance officer shall file a complaint against such person in a court of competent jurisdiction.

(2) If convicted, such person shall be fined not less than \$5 or more than \$20. In the alternative, he may be required to give bond in the penal sum of \$100, with sureties, conditioned upon his agreement to cause the enrollment of his child within 2 days thereafter in a school providing the courses of instruction required by this title and to cause the child to attend that school for the remainder of the current school term. If a person refuses to pay a fine and costs or to give a bond as ordered by the court, he shall be imprisoned in the county jail for a term of not less than 10 days or more than 30 days.

History: En. 75-6307 by Sec. 120, Ch. 5, L. 1971; R.C.M. 1947, 75-6307.

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