

# Testimony on Senate Bill 291 In the Senate Education Committee

February 14, 2005

Mr Chairman and Members of the Committee,

SENATE EDUCATION  
EXHIBIT NO. 36  
DATE 2-14-05  
BILL NO. SR-291

My name is Barda Allen and I live in Helena, Montana.

I am opposed to SB291, the reasons being that if it were to pass it would infringe on the right of my family's pursuit of liberty and freedom to learn in the way that works for us.

Included with my statement of opposition, I am including information about this alternative lifestyle called homeschooling. Please take the time to read it, so that you will see the bigger picture of this movement.

In researching for my testimony to SB291, I discovered that **Linda McCulloch** Montana Superintendent of Public Instruction and five other individuals from Montana are on the Board of Director's of the Northwest Regional Educational Laboratory. NWREL's mission is to improve educational results for children, youth, and adults by providing research and development assistance in delivering equitable, high quality educational programs.

This private, nonprofit corporation, provides research and development assistance to education, government, community agencies, business, and labor. *NWREL* is part of a national network of 10 educational laboratories funded by the U.S. Department of Education, Institute of Education Sciences (IES) (formerly the Office of Educational Research and Improvement [OERI]) to serve the Northwest region of Alaska, Idaho, **Montana**, Oregon, and Washington.

Now in its fourth decade, *NWREL* reaffirms the belief that strong schools, strong communities, strong families, and strong children make a strong nation.

What I found extremely interesting is that the suggested alternatives for creating learning environments for children in public schools, are

and with students of different ages.

- Offer students alternative or additional education choices., such as opportunities for different types of projects and hands-on learning experiences (Devries & Cohn, 1998).

**As a parent in an unschooling family, this is what we do on a year round basis.**

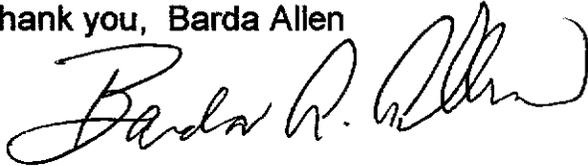
**Our children learn best with hands-on projects and life experiences.**

**Each of our children are unique individuals and have their own learning styles.**

**We use mentors and we have used tutors, when needed.**

**What we don't need is SB 291 to intrude on our life.**

Thank you, Barda Allen

A handwritten signature in cursive script that reads "Barda R. Allen". The signature is written in black ink and is positioned below the typed name.

## Fact Sheet: Reasons to Oppose Legislation (SB 291) That Would Fundamentally Change Montana's Homeschooling Law

Montana Senate Bill 291 (SB 291) would fundamentally change Montana's homeschooling law by giving the state the authority to determine who is eligible to homeschool. This bill is unnecessary, and would seriously undermine Montana's homeschools by increasing the state's power and control over homeschools and decreasing homeschooling freedoms, rights, and responsibilities. SB 291 should be stopped as soon as possible.

This Fact Sheet is addressed both to members of the general public, including legislators, and to homeschoolers. Part I provides background information and the relevant text of SB 291. Part II offers general reasons to oppose the bill. Part III explains in more detail how the bill would affect homeschoolers and why we oppose it so strongly.

### Part I Background and Text of SB 291

Montana has one of the most reasonable homeschooling laws in the nation. The current law protects both the rights and responsibilities of homeschooling families and the interests of the state. It holds homeschoolers accountable and requires that they meet the same criteria as other private schools, plus they must notify their County Superintendent of Schools that they are homeschooling. Homeschoolers who do not comply with the law may be prosecuted for truancy.

SB 291 reads as follows:

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING HOME SCHOOLS; REQUIRING A HOME SCHOOL TO REGISTER WITH THE RESIDENT SCHOOL DISTRICT; ESTABLISHING QUALIFICATIONS FOR A PARENT WHO SUPERVISES A HOME SCHOOL; ESTABLISHING THE REQUIREMENTS FOR OPERATING A HOME SCHOOL; REQUIRING THAT A STUDENT IN A HOME SCHOOL BE TESTED IN 4TH, 8TH, AND 11TH GRADES; AMENDING SECTIONS 20-5-102, 20-5-109, 20-5-111, 41-5-1203, AND 45-8-361, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Short title.** [Sections 1 through 8] may be cited as the "Quality Home School and Child Protection Act".

**NEW SECTION. Section 2. Definition.** As used in [sections 1 through 8], "home school" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of [sections 1 through 8].

**NEW SECTION. Section 3. Exemption from compulsory enrollment.** To qualify its students for exemption from compulsory enrollment under 20-5-102, a home school shall comply with the provisions of [sections 1 through 8].

**NEW SECTION. Section 4. Registration with school district.** At least 14 days before beginning a home school or within 14 days of establishing a child's residence in a school district and once each subsequent year, a parent intending to educate a child in a home school shall register with the child's resident school district. The registration must include:

- (1) the name and address of the child;
- (2) the child's date of birth;
- (3) the child's grade level;
- (4) the name and address of the parent who will supervise the home school; and
- (5) a copy of the child's immunization record.

**NEW SECTION. Section 5. Parental qualifications.** A parent may supervise a home school if the parent:

- (1) is licensed to teach in Montana;
- (2) holds a baccalaureate degree; or
- (3) meets the requirements of [section 7].

**NEW SECTION. Section 6. Required course of study – instructional time – academic records.** A parent supervising a home school shall:

- (1) provide an organized course of study that includes instruction in the subjects required of public schools as a basic educational program pursuant to 20-7-111;

~~to~~ 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 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 or [sections 1 through 8]. For the purposes of this subsection ~~(2)(e), a home school is the instruction by a parent of his child, stepchild, or ward in his residence is as defined in [section 2]~~ and a nonpublic school includes a parochial, church, religious, or private school."

**Section 10.** Section 20-5-109, MCA, is amended to read:

**"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~~ shall:

- (1) maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;
- (2) provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and 20-1-302;
- (3) be housed in a building that complies with applicable local health and safety regulations; and
- (4) provide an organized course of study that includes instruction in the subjects required of public schools as a basic ~~instructional-educational~~ program pursuant to 20-7-111; ~~and~~
- ~~(5) in the case of home schools, 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."~~

**Section 11.** Section 20-5-111, MCA, is amended to read:

**"20-5-111. Responsibilities and rights of parent who provides home school.** Subject to the provisions of ~~20-5-109 [sections 1 through 8]~~, a parent has the authority to instruct ~~his~~ the parent's 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."

(Note: Sections 12 and 13 of this bill are not directly related to homeschooling, so they were snipped from this fact sheet.)

**NEW SECTION. Section 14. Codification instruction.** [Sections 1 through 8] are intended to be codified as an integral part of Title 20, chapter 5, part 1, and the provisions of Title 20, chapter 5, part 1, apply to [sections 1 through 8].

**NEW SECTION. Section 15. Effective date.** [This act] is effective July 1, 2005.

- END -

Notes: The Underlining indicates the words SB 291 would add to the current homeschooling law. The Strike Thru are words that would be deleted in the current homeschooling law.

## Part II General Reasons to Oppose SB106

- **SB 291 is unnecessary.** Montana's current homeschooling law has worked well since 1991.
- **SB 291 would undermine one of Montana's most important educational assets, its homeschools.** Montana needs a reasonable homeschooling law so families can find an educational alternative that works well for them. Some families choose public schools; others choose private schools, including homeschools. To function effectively as alternatives to conventional schools, private schools, including homeschools,

# Life, the Universe and Everything



Learning and living without schooling and coercion

Jan Fortune-Wood

## The Myth of Experts

**M**ore and more, we are becoming taken in by the myth of experts and for most people the myth originates in school. Compulsory (or apparently compulsory), free education removes learning not only from the learner's control, but also from the parents' sphere of influence. Both parents and children are deskilled by a system that perpetuates the myth that expert teachers are central to real learning. The concept of skilled families is replaced by the notion of families who are either conforming, and consequently "good", or non-conforming and consequently "bad" or at least dysfunctional. The notion of autonomous, rational children is replaced with the idea of dependent sub-humans, not fit to be treated as moral agents in their own right, with little or no insight into their own learning needs and goals.

There is undoubtedly a role for expertise in modern life. We can't all know everything. Skill and knowledge specializations and the interdependence that comes from them are a foundation for human progress and prosperity. This does not, however, justify the bogus professionalization of learning per se. Learning is an activity of life and introducing compulsion and extrinsic motivation into this activity not only impedes the intrinsic growth of knowledge, but is unlikely to have precisely the outcomes which educators intend since the "products" are not passive, but complex autonomous human people.

It might well be the case that schooling is set up with the best interests of children in mind, but the very act of defining these best interests for another human being, and then compounding this basic error by coercing children into schools, negates the intention, however

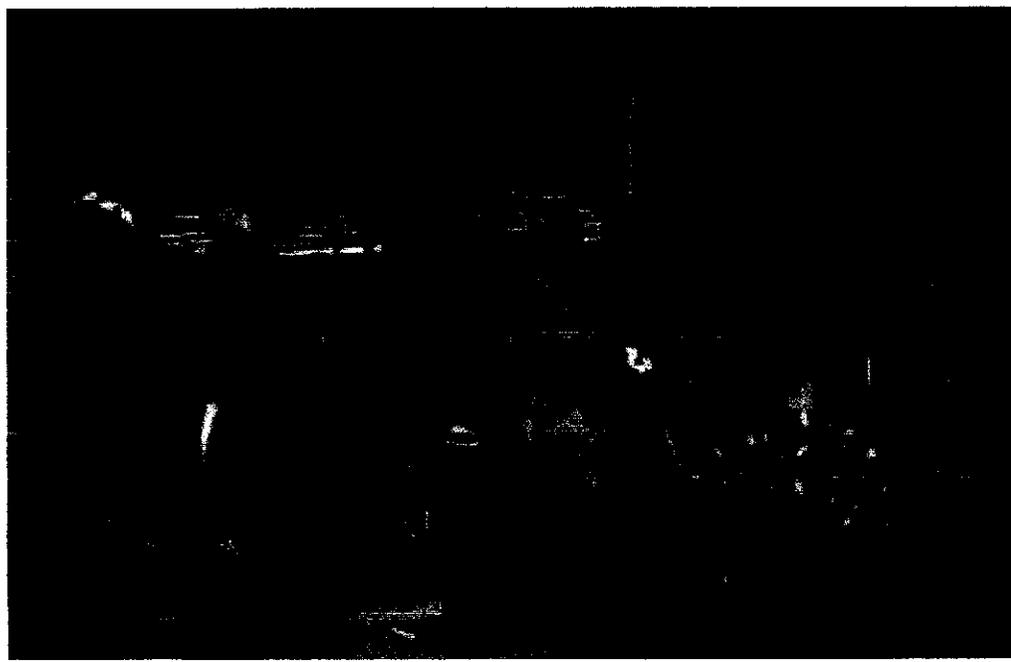
laudable. It is a big jump from saying that experts serve a useful purpose and ought to be listened to with very serious consideration when they speak within their given field, to asserting that children cannot learn without teachers. The logic is simply not apparent, nor is this the experience of thousands of home-educated children and their parents.

Most parents, however unconfident they might feel, take it for granted that (barring insurmountable disabilities) their child will learn to walk, to talk, to perform a burgeoning number of complex functions and display a huge array of learning before the idea of schooling ever surfaces. Yet, extraordinarily, par-

ents fear that these same children will stop learning and fall into ignorant savagery if they are not forced to go to school at increasingly young ages and there learn what the so-called experts dictate. The idea that school and teachers are the essential pre-requisites of learning is as false as it is widespread. We all know that learning takes place on a much grander and more unpredictable scale than schools can ever cater to; yet societies persist with the cult of expert teachers. Why?

The reasons are legion, but one key issue is that schools, apart from any learning agenda that they ostensibly have, have become the bastions of free childcare; much to the relief and convenience of many parents. This summer we have had a stream of visitors – since moving to a place where we are surrounded by mountains, lakes, sea and breath-taking coast line we have become much more popular with friends we haven't seen for years, most of whom have their children firmly in schools. The father of one visiting family told us in no uncertain terms that he simply did not want to spend time with his children; he

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low, disjointed knowledge, much of which will be irrelevant and forgotten by most of the learners. Home education is a much more efficient and targeted form of learning because it is intrinsically motivated. If children seem to be following their passions to the exclusion of other areas, we can do well to remember that most of life's real "experts" found ways of doing just the same, often in spite of the school system. Innovative thinkers are usually those who really care about the area they are thinking about, often to the exclusion of much else.

Thirdly, home education tends to be less predictable than school education. It is arguable that the predictability of school education is itself a charade, and that the concepts of value-added and outcomes applied to children are not ultimately effective even within the system they serve. After all, school fails more children than it serves so the predictability is cold comfort. On the other hand, home educators who respect the autonomy of children as learners are not likely to be able to decide where it is all leading. It demands a certain amount of serendipity, much vigilance for clues of what learning and resources might be helpful, and a great deal of trust and optimism. These things are not only possible, but are ultimately the only moral way to help our children become educated.

My visiting friend was right on one point: Home education certainly demands an input of resources, whether in time, money or raw commitment to our own children and if we want our children to be conforming, homogenous products then it is not the path to take. If, on the other hand, we value autonomy and true freedom in education, we have an estab-

lished, growing and flourishing alternative in the thousands of home educating families who are already re-defining what education means.

Home education is not merely a negative expedient in the face of a failing system, but a positive range of educational choices. The learning environment can be precisely tailored to individual learning styles and preferences. One child might prefer to work in a stimulating environment, full of sound and color, while another chooses a calm, quiet environment. The friendly learning environment focuses on strengths, building self-confidence and self-esteem. Criticism comes only as something constructive and welcome. The child (together with his or her family) defines and creates the environment rather than the environment defining the child. Families practicing home-based education are free to pursue event-driven lifestyles rather than clock-driven lifestyles, allowing maximum flexibility and access to an increasingly event-driven society. Government-controlled curriculum is replaced with the positive idea of learning dictated by the intrinsic motivation of the child and/or the educational philosophy of the family. Home education helps children develop research skills as they increasingly learn to control and manage their own learning. This equips them to be real researchers and producers of knowledge, not just consumers of pre-defined educational packages.

Home education naturally promotes a sense of being in control and responsible, part of a wider vision of developing and supporting moral and humane family and societal institutions. Children remain a full part of local communities with the

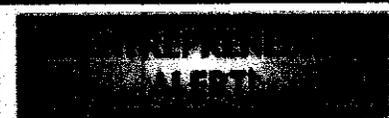
ability to fully access community facilities, such as libraries, shops, museums, exhibitions, theaters, transport, art centers and so on. Home educated children, whose autonomy is valued and whose intrinsic motivation is nurtured, don't have any false notions of expertise; they seek the genuine experts, not the classroom bound dictators, and they know that ultimately, in terms of their own lives and learning, they are their own experts.

*Dr. Jan Fortune-Wood is a freelance writer and parenting adviser. She is the author of four titles on home education, autonomous education and non-coercive parenting: ('Doing It Their Way'; 'Without Boundaries'; 'Bound To Be Free' & 'With Consent', all published by 'Educational Heretics Press'). She home educates her own four children with her husband Mike, a web-designer who runs Britain's largest home education website [www.home-education.org.uk](http://www.home-education.org.uk), which also carries her book details and the European home education support website [www.learning-unlimited.org](http://www.learning-unlimited.org). Contact her at [jan@autonomouschild.co.uk](mailto:jan@autonomouschild.co.uk). - LL -*

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## We've Grown Up and We're Okay



### Studying Home-Educated Adults

Some time ago, we (Child's Play -- a Canadian homeschooling newsletter) participated in the distribution of a survey questionnaire of adults who were home-educated as young people. Researchers Gary Knowles, of the University of Michigan, has recently sent us a copy of his draft report. Its title is *We've Grown Up and We're Okay -- An Exploration of Adults Who Were Home-Educated As Students*.

The paper was presented at the 13th National Conference of the New Zealand Association for Research in Education in Dunedin, New Zealand last December. Although he is still in the process of expanding the report with information obtained through telephone and face to face interviews, Knowles' report provides a fascinating insight into the long-term effects of home-based learning.

Knowles writes, that the characteristics of the adults in his study suggest that they grew up with "specific advantages that contributed to their independent views of society and their roles in it." As I learned when I did my home-based education research a few years ago, they are not a homogenous group, nor are they easy to categorize.

Knowles found that adults who have been home educated are located in both rural and urban areas; they are employed in a variety of professions and occupations, although many seem to be concentrated in those occupations that allow for independence, flexibility and, often, creativity; and they exhibit a wide range of political views and religious affiliations.

He also found that the majority reflected a positive attitude toward their home education and family experiences. Moreover, he notes, these adults "do not appear to exhibit characteristics which suggests they are disadvantaged as a result of their home education experience." He clearly states that his research led him to think that home-based education may have advantages that "hitherto have gone unrecognized."

One interesting issue raised by Knowles is the difference between social development and socialization. He defines socialization as "the process of fitting young members of society into the mould cast for them by the adults of society." It includes, he suggests, the inculcation of widely-held community morals and values so that individuals will hold responsible attitudes and beliefs about acting in socially acceptable ways.

Social development, on the other hand, is, he points out, defined as having psychological and emotional dimensions. He makes the point that many contemporary home educating parents have chosen this method of learning because they do not believe that the public school system promotes healthy social development or because they define healthy social development differently from public schools and from "the norms they perceive to represent the Anglo American middle class."

Further information about Knowles' study will be forthcoming, but here, briefly, are some of his findings. Forty-two percent had attended a college or a university after being home-educated for at least two years. Twelve percent had completed advanced university degrees, another twelve percent had completed an undergraduate degree, and a further sixteen percent had completed some graduate school courses.

Nearly two-thirds of the formerly home educated adults were self-employed, indicating, says Knowles, a high level of autonomy and independence. None were unemployed, although some chose to stay home to care for children.

When asked whether or not they would wish to be home educated if they had their lives to live over again, ninety-six percent answered positively. Positive aspects of home based education included strong family relationships; the self-directed, individualized nature of their learning; the resulting self-reliance; and the flexibility.

Respondents felt that home-based learning had encouraged the development of self-reliance and resourcefulness, as well as the study skills associated with attendance at a university or college.

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