

TO: Members of the Montana Senate Education Committee 2005

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SENATE EDUCATION

EXHIBIT NO. 50

DATE 2-14-05

BILL NO. SB-291

DATE: February 14, 2005

RE: Senate Bill 291

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Thank you for this opportunity to share our perspective on Senate Bill 291. My husband and I own a graphic design and creative services agency with clients all over the nation, as well as Montana. I have a law degree from the University of Florida where I served as senior research editor for the Florida Law Review. We have four children ages 5, 6, 11 and 12, and have been homeschooling them for six years. Five years ago we moved to Montana from Orlando, Florida. We have made our permanent home in the Swan Valley.

It is our understanding that the primary motivation behind Senate Bill 291 is to prevent Montana students from "falling through the cracks," so to speak. The stated concern seems to be with preventing those extremely rare cases where parents or guardians abuse or neglect their children's welfare and education under the guise of "homeschooling."

During my first year in law school, we discussed at length the idea that "hard cases make bad law." This must be as true in the realm of legislation as it is in court. This bill is a clear example. Senator Ryan has used primarily extreme examples to justify introduction of an overreaching bill that is so intrusive to privacy that we would have to actively oppose this bill even if we were not homeschoolers.

Suppose Montana citizens decided that all children within a certain age group must be fed a healthy diet, and enacted legislation to define and enforce this requirement. Suppose we made a law that all families had to do their grocery shopping on Mondays, Wednesdays and Fridays at certain stores in certain cities, and had to give an account of what they fed their children and when twice each year to appointed authorities. Suppose we required children to submit to blood tests to make sure they were adequately nourished, and made parents without college degrees feed their children under the supervision of state-certified dieticians. Suppose children who failed the blood tests were taken from their parents and forced to eat three meals a day at government cafeterias.

Now, we all would agree that Montana has a legitimate interest in the health of its citizens. But could we realistically expect that every child in every family would be adequately nourished under such a plan? If we poured all our time and resources into making sure all those families who already feed their children well actually complied with the law, would there be any time and resources left over to go after those families who actively tried to evade the law?

Most importantly, wouldn't we recoil at this drastic intrusion into the privacy of our homes and families? Wouldn't we ask, "What is this nation coming to? How did we get to a point where parents are more accountable to the government than the government is to parents? At what point did government and its various administrators earn that kind of trust and demonstrate the need for that kind of imbalance of power?"

I urge each one of you to fearfully consider the fact that when freedom erodes, it erodes slowly, and it erodes for EVERYONE! This bill has the potential to detrimentally affect not only the citizens of Montana, but also the citizens of this nation!

People died for the freedoms we value today! You may not be homeschoolers. You may not approve of homeschooling. You may know very little about homeschooling and all its successes. But as you consider this bill, think of how it could be used as precedent in the future to erode freedoms that YOU take for granted!

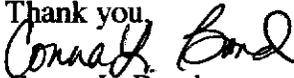
This is no small thing. If this government cannot trust parents, this government cannot stand. Please do not be hasty.

One of the reasons for the incredible success of homeschooling is the freedom of parents to design and utilize educational programs that fit the unique interests, needs and abilities of their children. Homeschooling not only produces well-educated individuals, but it also produces citizens who are hardworking, entrepreneurial, creative, and respectful of authority. It produces individuals who can ask intelligent questions and follow them through to their logical conclusions, not just memorize pre-digested pellets of information.

When our local public school has problems with its students, the school suspends them for 45 days and sends them home to their parents. Does it make any sense, then, to increase the accountability of parents to school officials who still have not figured out how to keep students from falling through the cracks?

Overwhelming evidence shows that mandatory standardized testing is not the answer to this nation's educational woes. A friend of mine who used to work with a company that produces many of the standardized tests tells me that he was appalled to discover that psychologists and professionals who worked in the company could not answer many of the questions that were put on the tests for first graders! Yet we are to trust these tests to tell us whether parents are adequately educating their children?!

We have laws in place for home schooling, truancy and protection against child abuse. Let us demonstrate our ability to enforce *these* laws before we muddy the waters with additional laws that we may all regret in hindsight.

Thank you,  
  
Conna L. Bond