

Testimony Before the Montana Senate Education Committee  
Regarding Senate Bill 291  
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I worked with the legislature in Arizona on the subject of testing home educated students. After intensive study of this subject, the legislature concluded that state evaluation of home education programs was neither practical nor appropriate. It wasn't working and couldn't be made to work. As a result, the state repealed the law mandating that home educated students take nationally standardized examinations.

Based on my experience working with the Arizona legislature, I observe the following regarding Senate Bill 291:

1. The definition of "home school" (in NEW SECTION, Section 2. Definition) is unreasonably narrow. It would force many step-parents and legal guardians who presently home school their children to stop home schooling. It would also limit the definition of home schooling to that which occurs in the home. Time spent at the library or on field trips to the state capitol would not count as home schooling.
2. The registration requirements (in NEW SECTION, Section 4. Registration with school district) are flawed.
  - a. The language of this section fails to make a clear distinction between registration and notification. In many places, a student registered with a school district is taken to be a student in the public school system. What seems to be intended here is notification of the school district by home schooling parents.
  - b. Requirement 3 in this section, reporting the child's grade level, fails to consider that many home schools do not utilize grade levels. Grade levels were invented for the administrative convenience of schools serving many students and are simply unnecessary in the home school setting.
  - c. Requirement 5 in this section, providing a copy of the child's immunization record, serves no educational purpose. It is, thus, an unwarranted invasion of privacy.
3. The parental qualifications provisions (in NEW SECTION, Section 5. Parental qualifications and NEW SECTION, Section 7. Required monitoring of progress -- reporting of progress) are unduly restrictive. The provisions prohibit home schooling altogether for those lacking a high school diploma and create obstacles for those lacking a bachelor's degree. I earned a Ph.D. at Stanford. Yet I'm certain that many folks without a high school diploma would do better than I at teaching young children. It takes patience and time and love, not credentials.

4. The monitoring requirements (in NEW SECTION, Section 7. Required monitoring of progress -- reporting of progress) serve no purpose. Like a propeller attached to the top of a hat, the required monitoring is "there" but it doesn't do anything. In particular, the monitor files reports with the school district. But nothing is done with the reports.
5. The monitoring required (in NEW SECTION, Section 7. Required monitoring of progress -- reporting of progress) is not defined. What does a monitor do? Where? Surely, the State of Montana has no more right to monitor what goes on in my home than it does to monitor what goes on in yours.
6. The testing provisions (in NEW SECTION, Section 8. Participation in state-level assessments -- results) are unnecessary. There is no demonstrated need for testing home schooled students. There is no demonstrated benefit.
7. When a large group of students is considered, test results give some indication of teaching effectiveness, for example when comparing entire schools or school districts. Test results for an individual, however, have little connection to teaching effectiveness. Consider for a moment other factors which affect an individual's test results: intelligence, mood, motivation, distractions, familiarity with the testing methods, illness. Using the results of a nationally standardized examination to evaluate a home school is inappropriate. The test does not measure the quality of education provided in the home school.
8. Consider all of the students who take a nationally standardized test. Thirty percent of these students are guaranteed to score at or below the 30<sup>th</sup> percentile. This is based on the definition of percentile and will be true even if all of the students receive an outstanding education.
9. The testing provisions (in NEW SECTION, Section 8. Participation in state-level assessments -- results) would interfere with home schooling. Teachers inevitably "teach to the test". This will especially be the case if, as in SB 291, home schoolers are threatened with onerous requirements should students score below the thirtieth percentile.
10. The testing provisions (in NEW SECTION, Section 8. Participation in state-level assessments -- results) are technically flawed.
  - a. As noted above many home schools do not utilize grade levels. So, testing "in 4th, 8th, and 11th grades" makes no sense. Presumably, in home schools not utilizing grade levels, since the students are never in the specified grades, testing is never required.
  - b. According to 20-5-102 MCA, compulsory education ends when a student completes the work of the eighth grade and reaches 16 years old. So the only 11<sup>th</sup> graders reached by this testing requirement are those who complete 11<sup>th</sup> grade before reaching the age of 16. Very, very few students will fall into this category.

- c. The assessment process associated with 8<sup>th</sup> grade testing can be effectively evaded by deferring eighth grade until the student is almost 16. If the test is taken close to the student's sixteenth birthday and close to the completion of 8<sup>th</sup> grade, compulsory education will end before the assessment process gets started.
  - d. Testing requirements are imposed on students but no corresponding duties are imposed on school districts. It appears that a school district can prohibit home schooling by refusing to offer the required testing.
11. The assessment provisions (in NEW SECTION Section 8. Participation in state-level assessments -- results. (2) and (3)) are inadequately defined.
- a. Two alternatives are contemplated here: In (2), "the child does not have a learning problem" and in (3), "the child is in need of specially designed instruction that can be provided only through special education and related services". These two are not exhaustive, however. Suppose a student has a learning problem but is not in need of specially designed instruction that can be provided only through special education and related services. What happens in this case?
  - b. The expression "learning problem", used twice in (2), is much too vague. Common sense indicates that everyone has some learning problem. I have a problem remembering names. I have a problem understanding the Riemann Hypothesis.
  - c. The expression "special education" is much too vague. Doesn't common sense indicate that all education is special?
12. The prohibition (in NEW SECTION Section 8. Participation in state-level assessments -- results. (3)(a)(i)) on home schooling children with developmental disabilities is quite simply outrageous. With all of the resources available today, who could do better than loving parents at meeting the needs of a developmentally disabled child? What loving parents would fail to recognize that they need help?
13. Home schooling families in Montana pay tens of millions of dollars in taxes that support public schools. By educating their own children, home schooling families save the state additional tens of millions of dollars. Thanks and encouragement seems far more appropriate than restrictions and regulation.
14. Please vote on this bill today. And vote to kill it. Thank you.

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