

## Testimony of Steve White In Opposition of HB 215

Mr. Chairperson, members of the House Education Committee, my name is Steve White. I reside in Bozeman and am representing the Montana Coalition of Home Educators; a statewide organization composed of homeschooling families dedicated to the education of their children.

**I am testifying today in opposition to HB 215.**

### **Passage of HB215 Adversely Affects Parents of Non-Public Students**

All children in Montana from the ages 7-16 are under the compulsory attendance laws. Homeschool and private school students are exempted from compulsory attendance in public schools per 20-5-109 MCA. Supreme Court decisions support a parent's right to direct the education of their children, as guaranteed by the 14<sup>th</sup> Amendment to the U.S. Constitution (Pierce v. Society of Sisters and Wisconsin v. Yoder).

Presently all families that are home educating their children are required to notify the county superintendent annually until the child reaches 16 (20-5-109(5) MCA).

A significant change in law with the passage of this bill is the new language in Section 1: "**any other program that leads to a high school diploma or its equivalent**". This language, broadly interpreted, could require some type of achievement test to prove completion. This is in direct conflict with another section of Montana law; 20-5-111 MCA (the parent is solely responsible for the evaluation of the home school instruction).

### **Conflicts with current compulsory attendance law**

Presently the compulsory attendance law in Montana does not extend beyond 16. This bill is in direct conflict with 20-5-102 MCA (related to 20-5-109 MCA). And if children ages 7-16 are not in an instructional program per Montana law, then they are truant – and subject to truancy laws. HB215 attempts to modify the upper age to 18.

### **Enforcement of New Law**

There also could arise a problem with the enforcement agency's (Dept of Justice) interpretation of 20-5-109 MCA. Presently Montana law connects non-public schools with the county superintendent of schools (20-5-109 MCA) – not the

Department of Justice. The passage of HB215 would require DOJ to collect information from taxpaying families, and to evaluate attendance and conformance with Montana's education laws. This will ultimately create conflict and confusion for both the families and the county superintendent's office.

And further, is the Department of Justice prepared to manage an appeal process to their decisions?

## **Revocation database and consequences**

The **National Driver Register** (NDR) is a computerized database of information about U.S. drivers. It contains records on those who have had their licenses revoked or suspended, often for little more than misdemeanor violations (such as not returning license plates in New York state), or those who have been convicted of serious traffic violations (e.g., driving while impaired by alcohol or drugs).

Interviews with a half dozen Registry of Motor Vehicles branch managers reveal that this procedure has led to thousands, if not more, of cases of complications arising from mistaken identity and the combination of two or more drivers records--where one driver is impacted by citations and court findings taken against the posted record of an entirely different driver. (Attachment)  
([www.nhtsa.gov/Data/National+Driver+Register](http://www.nhtsa.gov/Data/National+Driver+Register) & [en.wikipedia.org/wiki/National\\_Driver\\_Register](http://en.wikipedia.org/wiki/National_Driver_Register))

## **Montana Dropouts**

Montana graduation rate is presently 81%. The solution to improving graduation rates is not as simple as simply raising the compulsory attendance age. Changes are needed in our public school system to attract students to stay.

**This is not much different than in the private sector for a business to try and increase retail sales by locking customers in the store until they buy something. The solution is to improve the product to increase the demand for it – thus an increase in sales.**

## **Conclusion**

**Montana's public school, private school and homeschooling families will not benefit from the passage of this bill.**

**The solution to increasing graduation rates is not to expand government by adding truancy responsibilities to the Department of Justice.**

**Passing HB215 equates to giving up on Montana's public school system. Public schools should examine their programs. Successful education programs should focus on new ways to demonstrate excellence. There are a number of opportunities to explore, such as charter schools, distant learning, rewarding successful teachers, alternative schools, etc.**

**We ask that you oppose HB 215.**

## National Driver Register (HB215 attachment – Steve White)

The **National Driver Register (NDR)** is a computerized database of information about U.S. drivers. It contains records on those who have had their licenses revoked or suspended, often for little more than misdemeanor violations (such as not returning license plates in New York state), or those who have been convicted of serious traffic violations (e.g., driving while impaired by alcohol or drugs).

State motor vehicle agencies provide NDR with the names of individuals who have lost their license or who have been convicted of a serious traffic violation. When a person applies for a drivers license the state checks to see if the name is on the NDR file. If a person has been reported to the NDR as a problem driver, the license may be denied.

### The following groups are authorized to receive information from the NDR:

- Any individual under the provisions of the Privacy Act (see "Requesting your record" below).
- State and federal driver licensing officials.
- The Federal Railroad Administration and employers of locomotive operators.
- The Federal Aviation Administration for airman medical certification.
- The United States Coast Guard for merchant mariner certification.
- The National Transportation Safety Board for accident investigations.
- Federal Highway Administration for accident investigations.
- Federal Agencies performing background investigations for employment.
- Current or prospective employers of commercial motor vehicles operators, with permission by the operator.
- Air carriers for pilot applicants, with permission by the applicant.

The **Drivers License Compact** require member states to report tickets received by motorist to the state where they received a license to drive so as to receive points and get an insurance hike. Also when a state suspends the license of a driver who is from out-of-state, the state where the motorist received a license to drive will also suspend their license. **Montana is a member of that compact.**

### Mistaken Identity

According to National Drivers Registry officials, individual drivers records posted to the NDR database by the states are made available to all states in the U.S.. Under federal law, individual states are mandated to obtain information compiled on the NDR database. Information supplied by one state to the NDR is obtained by another state from the NDR using the first four letters of the driver's first and last names, the date of birth, and, often, if it is published, that drivers social security number and/or license number.

Interviews with a half dozen Registry of Motor Vehicles branch managers reveal that this procedure has led to thousands, if not hundreds of thousands of cases of complications arising from mistaken identity and the combination of two or more drivers records--where one driver is impacted by citations and court findings taken against the posted record of an entirely different driver. Senior

attorneys and staff at the NDR state that the database serves only to compile and make available the data as posted by the individual states. However, the data as compiled and later retrieved and processed by the individual states often leads to the inadvertent combination of drivers record information which can lead to negative actions taken against unwitting victims.

To date, as a direct result of the routinely repeated (for over twelve years) combination and merging of drivers record information provided to the individual states by the NDR, said driver has incurred multiple thousands of dollars in fees, fines, mailing costs, and lawyers fees to defend his innocence in court, and in his efforts to reinstate his license to drive. According to one senior NDR attorney interviewed, until State databases can be designed to make said drivers record distinct from that of other drivers, and, until said driver is willing "change(s) his name legally in court" this problem is destined to persist "for the remainder of (said drivers) natural life.

#### **Air Carriers for Pilot Applicants**

The Pilot Records Improvement Act of 1996 requires an air carrier, before hiring an individual as a pilot, to request, with the individual's written consent, the Chief Driver licensing official of a state to perform a National Driver Register (NDR) file check. Information on the NDR file that was reported by the states during the past 5-years and any withdrawal action still in effect will be disclosed.

#### **Employers Of Motor Vehicle Operators**

As part of your safety program, employer of motor vehicle operators may request an NDR file check on a current or prospective employee if they are seeking employment or are employed as a driver. The employee may go to the local motor vehicle agency and ask for an NDR file check. Any information on the NDR file that was reported by the states during the past 3-years will be disclosed.