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The Honorable Ryan Zinke
Chair, Senate Education Committee
Montana Legislature
Capitol Building
Helena, MT 59601

Re: Senate Bill 44

Dear Senator Zinke:

By way of introduction, Home School Legal Defense Association is a national organization which has as its primary purpose the protection of the right of parents to educate their children at home. We presently have more than 82,000 member families in all 50 states and the District of Columbia, with more than 400 member families in Montana.

I write to you in opposition to Senate Bill 44, which would increase the compulsory school attendance age from 16 to 18, completion of graduation requirements, or receipt of a GED as the time when the student may leave school.

In an email to Steve White of the Montana Coalition of Home Educators this past Sunday, Senator Taylor Brown, the sponsor of this legislation, stated that this bill would not affect home schooling families because they are already exempt from compulsory attendance by the provisions of the Section 20-5-102 of the Montana Code Annotated. How we wish this were true! The fact is that the exception in 20-5-102 to which Senator Brown refers is an exception from having to attend public school, not an exception from the age requirements for instruction. Parents conducting a home school must comply with the provisions of Section 20-5-109 which include maintaining attendance and immunization records, teaching the subjects required for the basic instructional program of public schools, teaching the same number of hours as public schools, and giving annual notice of the operation of the home school to the county superintendent. If a parent stops complying with Section 20-5-109 before the child becomes 16 or completes the 8th grade, then the child no longer qualifies for the exception in Section 20-5-102 and must attend public school. So the home schooling family is locked into the compulsory attendance age

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no matter what. Because of this, any change in the compulsory attendance requirements will directly affect these families.

Another concern of home educators is that Senate Bill 44 would impose public school graduation requirements on home schools unless the child remained in school until age 18. To impose public school graduation requirements on home schools in this manner would change the basic nature of home education. A home school would become essentially public school at home. Parents would no longer be permitted to tailor the curriculum to suit the individual needs and interests of a child.

Another significant impact of expanding the compulsory attendance age would be an inevitable tax increase to pay for more classroom space and teachers to accommodate the additional students compelled to attend public school. The fiscal note for this bill indicates an additional expenditure of state funds of \$1,000,000. Most likely, the cost to taxpayers would be much more.

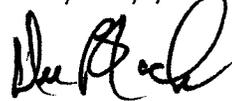
Raising the compulsory attendance age will not reduce the dropout rate. In fact, the two states with the highest high school completion rates, Maryland at 94.5% and North Dakota at 94.7%, compel attendance only to age 16. The state with the lowest completion rate (Oregon: 75.4%) compels attendance to age 18.

Twenty-nine states only require attendance to age 16. Older children unwilling to learn can cause classroom disruptions and even violence, making learning harder for their classmates who truly want to learn.

Passage of this legislation would restrict parents' freedom to decide if their 16 year old is ready for college or the work force. Some 16 year olds who are not academically inclined will benefit more from valuable work experience than from being forced to sit in a classroom.

For the foregoing reasons, we ask the Senate Education Committee to vote against Senate Bill 44.

Very truly yours,



Dewitt T. Black, III

DTB:etk

cc: Members of Senate Education Committee
Mr. Steve White
Montana Coalition of Home Educators