

SENATE BILL NO. 14

INTRODUCED BY R. DRISCOLL

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CONDITIONS FOR COMPULSORY SCHOOL
6 ENROLLMENT AND ATTENDANCE; INCREASING THE AGE FOR REQUIRED ENROLLMENT AND
7 ATTENDANCE TO AGE 18 OR COMPLETION OF REQUIREMENTS FOR HIGH SCHOOL GRADUATION OR
8 EQUIVALENCY OF COMPLETION OF SECONDARY EDUCATION; EXCUSING A CHILD AT LEAST 16 YEARS
9 OF AGE FROM ENROLLMENT IF THE CHILD HAS WITHDRAWN FROM SCHOOL TO ENROLL IN CERTAIN
10 PROGRAMS; AMENDING SECTIONS 20-5-102, 20-5-103, AND 23-5-413, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."

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

14
15 **Section 1.** Section 20-5-102, MCA, is amended to read:

16 **"20-5-102. Compulsory enrollment and excuses.** (1) Except as provided in subsection (2), any parent,
17 guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the
18 first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the
19 board of public education pursuant to 20-7-111 until the ~~later~~ earliest of the following dates:

- 20 (a) the child's ~~16th~~ 18th birthday; ~~or~~
- 21 (b) the date of completion of ~~the work of the 8th grade~~ high school graduation requirements; or
- 22 (c) the date of certification that the child has satisfied the requirements for equivalency of completion of
23 secondary education as provided in 20-7-131.

24 (2) A parent, guardian, or other person shall enroll the child in the school assigned by the trustees of the
25 district within the first week of the school term or when the parent, guardian, or person establishes residence in
26 the district unless the child is:

- 27 (a) enrolled in a school of another district or state under any of the tuition provisions of this title;
- 28 (b) provided with supervised correspondence study or supervised home study under the transportation
29 provisions of this title;
- 30 (c) excused from compulsory school attendance upon a determination by a district judge that attendance

1 is not in the best interest of the child;

2 (d) excused by the board of trustees upon a determination that attendance by a child who has attained
3 the age of ~~16~~ 18 is not in the best interest of the child and the school; ~~or~~

4 (e) at least 16 years of age, has withdrawn from school, and has enrolled in an adult basic education
5 program, the Montana youth challenge program, a Montana job corps program, an accredited postsecondary
6 program, or a registered apprenticeship program; or

7 (f) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the
8 purposes of this subsection ~~(2)(e)~~, a home school is the instruction by a parent of the parent's child, stepchild,
9 or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private
10 school."

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12 **Section 2.** Section 20-5-103, MCA, is amended to read:

13 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any parent,
14 guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the
15 first day of school in any school fiscal year shall cause the child to attend the school in which the child is enrolled
16 for the school term and each school day in the term prescribed by the trustees of the district until the ~~later~~ earliest
17 of the following dates:

18 (a) the child's ~~16th~~ 18th birthday; ~~or~~

19 (b) the date of completion of ~~the work of the 8th grade.~~ high school graduation requirements; or

20 (c) the date of certification that the child has satisfied the requirements for equivalency of completion of
21 secondary education as provided in 20-7-131.

22 (2) The provisions of subsection (1) do not apply in the following cases:

23 (a) The child has been excused under one of the conditions specified in 20-5-102.

24 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of
25 the trustees.

26 (c) The child has been suspended or expelled under the provisions of 20-5-202."

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28 **Section 3.** Section 23-5-413, MCA, is amended to read:

29 **"23-5-413. Raffle prizes -- investigations -- rulemaking.** (1) (a) The department shall investigate all
30 violations of this part.

1 (b) The department may adopt rules to require recordkeeping for receipts and payouts under this part
2 and to establish procedures to ensure the fair selection of winners.

3 (2) (a) A person or organization conducting a raffle shall own all prizes to be awarded as part of the raffle
4 before the sale of any tickets.

5 (b) The value of a prize awarded for an individual ticket for a raffle conducted by a person or an
6 organization may not exceed \$5,000. Prizes may not be combined in any manner to increase the ultimate value
7 of the prize awarded for each ticket.

8 (c) The provisions of subsections (2)(a) and (2)(b) do not apply to a nonprofit organization, a college,
9 a university, a public school district as provided in 20-6-101 and 20-6-701, or a nonpublic school as described
10 in 20-5-102~~(2)(e)~~(2)(f). The proceeds from the sale of tickets for a raffle conducted by a nonprofit organization,
11 college, university, or school district may be used only for charitable purposes or to pay for prizes and may not
12 be used for the administrative costs of conducting the raffle.

13 (3) (a) The sale of raffle tickets authorized by this part is restricted to events and participants within the
14 geographic confines of the state.

15 (b) The sale of raffle tickets may not be conducted over the internet. All raffle announcements or
16 advertisements conducted over the internet must include this sale restriction, the name of the organization
17 offering the raffle, and all raffle terms."

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19 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2015.

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