

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE FAILURE OF A PARENT, GUARDIAN, OR
5 OTHER PERSON TO ENROLL A CHILD IN SCHOOL AND ENSURE ATTENDANCE CONSTITUTES CHILD
6 ABUSE OR NEGLECT; AND AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 20-5-102, MCA, is amended to read:

11 **"20-5-102. Compulsory enrollment and excuses.** (1) Except as provided in subsection (2), any parent,
12 guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the
13 first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the
14 board of public education pursuant to 20-7-111 until the later of the following dates:

- 15 (a) the child's 16th birthday; or
- 16 (b) the date of completion of the work of the 8th grade.

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

- 20 (a) enrolled in a school of another district or state under any of the tuition provisions of this title;
- 21 (b) provided with supervised correspondence study or supervised home study under the transportation
22 provisions of this title;
- 23 (c) excused from compulsory school attendance upon a determination by a district judge that attendance
24 is not in the best interest of the child;

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

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

30 (3) The failure of a parent, guardian, or other person to ensure that a child who is subject to compulsory

1 attendance under subsection (1) and who is not excused under one of the conditions specified in subsection (2)
 2 attends school constitutes child abuse or neglect under 41-3-102, and the provisions of Title 41, chapter 3, apply
 3 to this part."

4
 5 **Section 2.** Section 20-5-103, MCA, is amended to read:

6 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any parent,
 7 guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the
 8 first day of school in any school fiscal year shall cause the child to attend the school in which the child is enrolled
 9 for the school term and each school day in the term prescribed by the trustees of the district until the later of the
 10 following dates:

- 11 (a) the child's 16th birthday; or
- 12 (b) the date of completion of the work of the 8th grade.

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

- 14 (a) The child has been excused under one of the conditions specified in 20-5-102.
- 15 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of
- 16 the trustees.
- 17 (c) The child has been suspended or expelled under the provisions of 20-5-202.

18 (3) The failure of a parent, guardian, or other person to enroll a child in school unless the child is excused
 19 under subsection (2) constitutes child abuse or neglect under 41-3-102, and the provisions of Title 41, chapter
 20 3, apply to this part."

21 - END -