

# Montana Laws Related to Home Schools (Montana Code Annotated, 2021)

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

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

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

- (a) enrolled in a school of another district or state under any of the tuition provisions of this title;
- (b) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;
- (c) excused from compulsory school attendance upon a determination by a district judge that attendance is not in the best interest of the child;
- (d) excused by the board of trustees upon a determination that attendance by a child who has attained the age of 16 is not in the best interest of the child and the school; or
- (e) enrolled in a nonpublic or home school that complies with the provisions of **20-5-109**. For the purposes of this subsection (2)(e), a home school is the instruction by a parent of the parent's child, stepchild, or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private school.

History: En. 75-6303 by Sec. 116, Ch. 5, L. 1971; amd. Sec. 1, Ch. 389, L. 1971; amd. Sec. 3, Ch. 91, L. 1973; amd. Sec. 2, Ch. 137, L. 1975; R.C.M. 1947, 75-6303; amd. Sec. 1, Ch. 504, L. 1979; amd. Sec. 1, Ch. 355, L. 1983; amd. Sec. 1, Ch. 249, L. 1991; amd. Sec. 293, Ch. 56, L. 2009.

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## Nonpublic School Requirements For Compulsory Enrollment Exemption

**20-5-109. Nonpublic school requirements for compulsory enrollment exemption.** To qualify its students for exemption from compulsory enrollment under **20-5-102**, a nonpublic or home school:

- (1) shall maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;
- (2) shall provide at least the minimum aggregate hours of pupil instruction in accordance with **20-1-301** and **20-1-302**;

- (3) must be housed in a building that complies with applicable local health and safety regulations;
- (4) shall provide an organized course of study that includes instruction in the subjects required of public schools as a basic instructional program pursuant to **20-7-111**; and
- (5) in the case of home schools, shall notify the county superintendent of schools of the county in which the home school is located in each school fiscal year of the student's attendance at the school.

History: En. Sec. 2, Ch. 355, L. 1983; amd. Sec. 3, Ch. 498, L. 1989; amd. Sec. 9, Ch. 138, L. 2005.

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## School Fiscal Year

**20-1-301. School fiscal year.** (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours required in subsection (2) must be conducted during each school fiscal year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient. The minimum aggregate hours required in subsection (2) are not required for any pupil demonstrating proficiency pursuant to **20-9-311(4)(d)**.

- (2) The minimum aggregate hours required by grade are:
  - (a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program, as provided in **20-7-117**;
  - (b) 720 hours for grades 1 through 3; and
  - (c) 1,080 hours for grades 4 through 12.
- (3) Except for a circumstance related to an unforeseen emergency pursuant to Title 20, chapter 9, part 8, for any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), to any pupil not demonstrating proficiency pursuant to **20-9-311(4)(d)**, the superintendent of public instruction shall reduce the BASE aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed by each pupil not demonstrating proficiency pursuant to **20-9-311(4)(d)**.

History: En. 75-7402 by Sec. 366, Ch. 5, L. 1971; amd. Sec. 2, Ch. 373, L. 1974; R.C.M. 1947, 75-7402; amd. Sec. 6, Ch. 288, L. 1979; amd. Sec. 1, Ch. 148, L. 1981; amd. Sec. 1, Ch. 460, L. 1983; amd. Sec. 3, Ch. 22, L. 1997; amd. Sec. 110, Ch. 42, L. 1997; amd. Sec. 1, Ch. 430, L. 1997; amd. Sec. 5, Ch. 237, L. 2001; amd. Sec. 3, Ch. 138, L. 2005; amd. Sec. 9, Ch. 1, Sp. L. May 2007; amd. Sec. 1, Ch. 149, L. 2017; amd. Sec. 1, Ch. 151, L. 2021.

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## Instruction in Public Schools

**20-7-111. Instruction in public schools.** (1) Except as provided in subsection (2), the board of public education shall define and specify the basic instructional program for pupils in public schools, and this program must be set forth in the standards of accreditation. Other instruction may be given when approved by the board of trustees. (SEE ATTACHED PAGE OF **ADMINISTRATIVE RULES OF MONTANA**)

- (2) The trustees of a school district shall ensure that all pupils in grades 3 through 12 receive instruction about the United States constitution and the pledge of allegiance.

## Responsibilities And Rights Of Parent Who Provides Home School

**20-5-111. Responsibilities and rights of parent who provides home school.** Subject to the provisions of **20-5-109**, a parent has the authority to instruct the parent's child, stepchild, or ward in a home school and is solely responsible for:

- (1) the educational philosophy of the home school;
- (2) the selection of instructional materials, curriculum, and textbooks;
- (3) the time, place, and method of instruction; and
- (4) the evaluation of the home school instruction.

## School District Assessment For Placement Of A Child Who Enrolls From A Nonaccredited, Nonpublic School

**20-5-110. School district assessment for placement of a child who enrolls from a nonaccredited, nonpublic school.** The trustees of a school district shall:

- (1) adopt a district policy on assessment for placement of any child who enrolls in a school of the district and whose previous place of instruction was a nonpublic school that is not accredited;
- (2) include in the adopted policy the following provisions:
  - (a) the specific assessment for placement to be administered to any child subject to the provisions of subsection (1);
  - (b) a procedure for grade and program placement of the child based on results of the assessment for placement, including considerations for the age and identified abilities of the child; and
  - (c) a hearing process before the board of trustees of the district if the parent or guardian of a child is not in agreement with the placement of the child and requests a hearing before the board; and
- (3) administer the adopted policy required in subsection (1) in a uniform and fair manner.

## Participation In Extracurricular Activities

**20-5-112. Participation in extracurricular activities.** (1) A school district or an athletic association, conference, or organization with authority over interscholastic sports may not prohibit or restrict the ability of a student attending a nonpublic or home school meeting the requirements of **20-5-109** from participating in extracurricular activities at a school in the student's resident school district solely on the student's enrollment at the public school or on the number of hours the student physically attends the public school.

(2) Except as provided in subsections (1) and (3), a student attending a nonpublic or home school who participates in extracurricular activities at a public school is subject to:

(a) the same standards for participation as those required of full-time students enrolled in the school;

(b) the same rules of any interscholastic organization of which the school of participation is a member.

(3) (a) The academic eligibility for extracurricular participation for a student attending a nonpublic school must be attested by the head administrator of the nonpublic school.

(b) The academic eligibility for extracurricular participation for a student attending a home school must be attested in writing by the educator providing the student instruction with verification by the school principal. The verification may not include any form of student assessment.

History: En. Sec. 1, Ch. 297, L. 2021.