

Home school information from OPI

Question: Please send me information about how to home school in Montana.

Answer: Introduction. The Office of Public Instruction receives dozens of calls each year from people with questions about home schooling. Many of those calling request that OPI provide to them a summary of Montana law pertaining to home schooling. This document outlines the key statutes addressing home schooling in Montana. Attached to this document is the full text of statutes and administrative rules that may be of interest to those with questions about home schooling. The statutes discussed below may also be found in the 2001 Montana Code Annotated and have been in effect for many years. This packet of information is not provided as a complete analysis of this issue. Nothing contained in this packet should be considered as the rendering of legal advice for specific cases.

Compulsory Enrollment and Exceptions. Montana law states: "Except as provided in [Mont. Code Ann. §20-5-102(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; (b) the date of completion of the work of the 8th grade." Mont. Code Ann. §20-5-102(1) (2001).

Home School Exception to Compulsory Enrollment. In Mont. Code Ann. §20-5-102(2), Montana law provides that 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 he establishes residence in the district unless the child is: * * * (e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection (e), a home school is the instruction by a parent of his child, stepchild, or ward in his residence and a nonpublic school includes a parochial, church, religious, or private school." Mont. Code Ann. §20-5-102(2) (2001). Home School Requirements. Section 25-5-109, Mont. Code Ann. states: "To qualify its students for exemption from compulsory enrollment under 20-5-102, a nonpublic or home school shall:

- (1) maintain records on pupil attendance and disease immunization and make the records available to the county superintendent of schools on request;
- (2) provide at least 180 days of pupil instruction or the equivalent in accordance with 20-1-301 and 20-1-302;
- (3) be housed in a building that complies with applicable local health and safety regulations;
- (4) 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, 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." Mont. Code Ann. §20-5-109 (2001). Responsibilities and Rights of Parent Who Provides Home School and Rights of Child in Home School. Section 20-5-111, Mont. Code Ann., states that "[s]ubject to the provisions of 20-5-109, a parent has the authority to instruct his 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." Mont. Code Ann, § 20-5-111 (2001).

Addresses of home schooling associations that may assist you:

Association of Nonpublic Schools of Montana
PO Box 1708
Helena, MT 59624

The Grapevine
P O Box 3228
Missoula, MT 59806

Montana Coalition of Home Educators
PO Box 43
Gallatin Gateway, MT 59730
Web Site: www.mtche.org

Vanessa Lund
5008 Creekmore Rd.
Huntley, MT 59037
Phone 406-245-2980
Email: 102572.3222@compuserve.com

For additional copies of the home school packet, contact Lindy Miller, Data Specialist