

## **Montana Laws Pertaining to Nonpublic (Private) and Home Schools**

### **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.

### **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.

### **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.

**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) 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 direct state 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).

**20-1-302. School term, day, and week.**

- (1) Subject to [20-1-301](#), [20-1-308](#), and any applicable collective bargaining agreement covering the employment of affected employees, the trustees of a school district shall set the number of days in a school term, the length of the school day, and the number of school days in a school week and report them to the superintendent of public instruction.
- (2) When proposing to adopt changes to a previously adopted school term, school week, or school day, the trustees shall:
  - a) negotiate the changes with the recognized collective bargaining unit representing the employees affected by the changes;
  - b) solicit input from the employees affected by the changes but not represented by a collective bargaining agreement; and
  - c) solicit input from the people who live within the boundaries of the school district.