

**FLATHEAD COUNTY
SUPERINTENDENT OF SCHOOLS**

JACK EGGENSBERGER

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Dear Home School Parents:

You have made an important decision and a strong commitment to your child (children). Montana Law (§20-5-109), allowing for compulsory school enrollment **exemption**, accommodates this family choice.

Many resources are available to home educators. Your children deserve and need the best education possible. For your understanding and guidance, pertinent laws are included in this packet. Please read them carefully and let us know if you have any questions.

Your commitment to your child (children) includes an “organized course of study” required by law (MCA §20-5-109 [4]). In case of future entrance (or re-entrance) into a public school, elementary home school students are usually tested by the district for appropriate placement. The high schools in this region expect that a student has been following a fully accredited off-site educational program. Each high school has its own approach to accepting credits, so please **contact the high school counseling staff of your district to align your home school program or contact us for referral**. You may also refer to the Montana Office of Public Instruction website (www.opi.state.mt.us) which has numerous resources including the “Content Standards/Essential Learning Expectations” and a “Get Answers” tab to help you. An organized course of study is essential not only to enter public education, but to enter many vocational schools, colleges, universities or to join the military. Working together for the common good of each child is what we all want.

As a home school you are eligible to participate in federally-funded education programs. Your resident school district will notify you each spring of the offerings.

The mandatory information you need to provide to my office is (1) a written notice of intent to home school which must be submitted ANNUALLY in the fall, (2) immunization records if this is the first year of home schooling or if there has been a change, and (3) an attendance report submitted each semester or yearly. A sample attendance form has been attached for your convenience which validates the required aggregate hours of direct instruction. Thank you and have a good year.

Sincerely,



Jack Eggensperger
Flathead County Superintendent of Schools

MONTANA HOME SCHOOL INFORMATION

Introduction. The Montana 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 a summary of Montana law pertaining to home schooling. This document outlines key statutes regarding private/nonpublic/home schools in Montana. Attached to this document is the full text of statutes (Montana Code Annotated Chapter 20—MCA) and administrative rules (Administrative Rules of Montana—ARM Chapter 55, Sub-chapter 9) that may be of interest to those with questions about home schooling. The statutes that follow may also be found in the 2017 MCA and have been in effect for many years. This packet of information is not provided as a complete analysis of the issue, nor is it intended as legal advice.

The following information is attached:

- Montana statutes relating to home schooling
- Montana School Accreditation Standards (as found in ARM) that identify basic education programs for elementary, middle school, and high school, including graduation.

Addresses of home school associations that may be of interest:

- Association of Nonpublic Schools of Montana
PO Box 1708
Helena, MT 59624
- The Grapevine
PO Box 3228
Missoula, MT 59806
- Montana Coalition of Home Educators
PO Box 43
Gallatin Gateway, MT 59730
www.mtche.org
- Flathead Home Educators Association
PO Box 7661
Kalispell, MT 59904
<https://groups.io/g/FlatheadHomeschoolSupportInfo>
Also on Facebook: Flathead Homeschool Support And Curriculum

For additional information, contact Andy Boehm, OPI Nonpublic School Specialist, 406-444-0375.

Below is a link to some online high school programs.

<https://thebestschools.org/rankings/best-online-high-school-diploma-programs/>

CORRESPONDENCE/ONLINE PROGRAMS FOR HOME SCHOOL FAMILIES

Keystone School

<http://keystoneschoolonline.com>

Middle School and High School; Accredited

Brigham Young University

<https://ce.byu.edu/catalog/courses>

Middle School and High School; Accredited

North Dakota Center for Distance Learning

<https://www.cde.nd.gov/>

Middle School and High School; Accredited; Credit Recover; Print Correspondence Classes and Online Classes

American School

<http://www.americanschoolofcorr.com/programs>

High School and College Prep. Accredited by The North Central Association of Colleges and Schools and recognized by the Illinois State Board of Education as a secondary school; mostly print correspondence classes, just beginning to offer online classes.

Texas Tech University Independent School District

<https://www.depts.ttu.edu/k12/>

Elementary, Middle, High School. Accredited by the Texas Education Agency.

Time4Learning

<https://www.time4learning.com/>

Elementary, Middle School, and High School. Not accredited...provides curriculum materials but is not a school. Offers thousands of learning activities, lessons, and assessments that are standards-based. Inexpensive.

Khan Academy

<https://www.khanacademy.org/>

Offers practice exercises, instructional videos, and a personalized learning dashboard. K-12. Not an accredited school. Large variety of subjects covered. Free.

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.

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.

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.

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.

History: En. 75-7503.1 by Sec. 1, Ch. 137, L. 1975; R.C.M. 1947, 75-7503.1; amd. Sec. 1, Ch. 239, L. 2021.

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.

History: En. Sec. 1, Ch. 444, L. 1991; amd. Sec. 298, Ch. 56, L. 2009.

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.

History: En. Sec. 1, Ch. 498, L. 1989.

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.

ADMINISTRATIVE RULES OF MONTANA – Academic Requirements

10.55.901 BASIC EDUCATION PROGRAM: ELEMENTARY

(1) An elementary school shall have an education program aligned to the program area standards that enables students to meet the content standards and content-specific grade-level learning progressions.

History: [20-2-114](#), MCA; [IMP](#), [20-2-121](#), [20-3-106](#), [20-7-101](#), MCA; [NEW](#), 1989 MAR p. 342, Eff. 7/1/89; [AMD](#), 1998 MAR p. 2707, Eff. 10/9/98; [AMD](#), 2000 MAR p. 3340, Eff. 12/8/00; [AMD](#), 2012 MAR p. 2042, Eff. 7/1/13.

10.55.902 BASIC EDUCATION PROGRAM: MIDDLE GRADES

(1) A school with middle grades must have an education program aligned to the program area standards that enables all students to meet the content standards and content-specific grade-level learning progressions.

(2) The Board of Public Education, upon recommendation of the Superintendent of Public Instruction, may approve a 7 and 8 grade program that must follow either the middle school philosophy and components described in (3) or the departmentalized philosophy and components described in (4).

(3) The Board of Public Education, upon recommendation of the Superintendent of Public Instruction, may approve a middle school program that:

(a) addresses the unique nature of middle-grade children by focusing on their intellectual, social, emotional, and physical development. To put such philosophy into practice, a middle school must have flexibility to:

(i) approach instruction, scheduling, and teaching in a variety of ways;

(ii) undertake interdisciplinary work; and

(iii) plan blocks of coursework deriving from the intellectual, social, emotional, and physical needs of middle school students.

(b) incorporates critical and creative thinking, career awareness, lifelong learning, and safety;

(c) incorporates instruction in reading literacy and writing literacy into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, chapter 53;

(d) includes, at a minimum, the following program areas, required of all students yearly:

(i) English language arts;

(ii) mathematics;

(iii) physical and life sciences;

(iv) social studies; and

(v) health enhancement.

(e) at a minimum maintains the following required program areas:

(i) visual arts including, but not limited to art history, art criticism, aesthetic perception, and production;

(ii) music including, but not limited to general, instrumental, and vocal (emphasizing comprehensive music elements, music history, criticism, aesthetic perception, and musical production);

(iii) career and technical education courses or pathways such as agriculture, business education, family and consumer sciences, health occupations and industrial technology education; and

(iv) world languages.

(f) offers as electives to all students exploratory courses such as creative writing, dance, drama, financial education, photography, and leadership.

(4) A junior high (grades 7-9) or 7-8 school must offer an educational program, aligned to the program area standards, that enables all students to meet the content standards and content-specific grade-level progressions.

(a) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, chapter 53.

(b) All students shall complete the following program areas each year:

(i) English language arts--1 unit;

(ii) social studies--1 unit;

(iii) mathematics--1 unit;

(iv) science--1 unit; and

(v) health enhancement--1/2 unit.

(c) All students must be allowed to elect from the following program area offerings:

(i) visual arts--1/2 unit;

(ii) music--1/2 unit;

(iii) career and technical education--1/2 unit; and

(iv) world languages and cultures--1/2 unit.

(d) A unit is defined as the equivalent of at least 8100 minutes for one school year.

(e) Time to pass between classes may be counted toward the standard school day but shall not be counted toward class time.

History: [20-2-114](#), MCA; [IMP](#), [20-2-121](#), [20-3-106](#), [20-7-101](#), MCA; [NEW](#), 1989 MAR p. 342, Eff. 7/1/89; [AMD](#), 1998 MAR p. 2707, Eff. 10/9/98; [AMD](#), 2000 MAR p. 3340, Eff. 12/8/00; [AMD](#), 2012 MAR p. 2042, Eff. 7/1/13.

10.55.904 BASIC EDUCATION PROGRAM OFFERINGS: HIGH SCHOOL

(1) The basic education program, aligned to the program area standards, for grades 9 through 12 shall be at least 20 units of coursework that enable all students to meet the content standards and content-specific grade-level learning progressions.

(2) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Common Core Standards, ARM Title 10, chapter 53.

(3) Minimum offerings shall include at least the following:

(a) 4 units of English language arts;

(b) 3 units of mathematics;

(c) 3 units of science;

(d) 3 units of social studies;

(e) 2 units of career and technical education;

(f) 2 units of arts;

(g) 1 unit of health enhancement;

(h) 2 units of world languages; and

(i) 2 units of electives.

History: [20-2-114](#), MCA; [IMP](#), [20-2-121](#), [20-3-106](#), [20-7-101](#), MCA; [NEW](#), 1989 MAR p. 342, Eff. 7/1/89; [AMD](#), 1998 MAR p. 2707, Eff. 10/9/98; [AMD](#), 2000 MAR p. 3340, Eff. 12/8/00; [AMD](#), 2012 MAR p. 2042, Eff. 7/1/13.

10.55.905 GRADUATION REQUIREMENTS

(1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that enable all students to meet the content standards and content-specific grade-level learning progressions.

(2) In order to meet the content and performance standards, the following 13 units shall be part of the 20 units required for all students to graduate:

- (a) 4 units of English language arts;
- (b) 2 units of mathematics;
- (c) 2 units of social studies;
- (d) 2 units of science;
- (e) 1 unit of health enhancement, with 1/2 unit each year for two years;
- (f) 1 unit of arts; and
- (g) 1 unit of career and technical education.

(3) Units of credit earned in any Montana high school accredited by the Board of Public Education shall be accepted by all Montana high schools.

(4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.

History: [20-2-114](#), MCA; [IMP](#), [20-2-121](#), [20-3-106](#), [20-7-101](#), MCA; [NEW](#), 1989 MAR p. 342, Eff. 7/1/89; [AMD](#), 1998 MAR p. 2707, Eff. 10/9/98; [AMD](#), 2000 MAR p. 3340, Eff. 12/8/00; [AMD](#), 2012 MAR p. 2042, Eff. 7/1/13.

Home School Parent - Please return this page to the County Superintendent's Office.

**HOME SCHOOL NOTIFICATION
FLATHEAD COUNTY SUPERINTENDENT OF SCHOOLS**

A copy of this completed form will be provided to you if requested.

I have ____ student(s) attending home school for the school year ____ - _____. I reside in the _____ school district.

<u>Student's Name</u>	<u>Date of Birth</u>	<u>Grade</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of last school attended: _____

Do you want to be contacted to participate in any federal programs available through the school district? ____yes ____no

*** This form represents enrollment and is not an indication of an educational program. ***

Section 20-5-109, MCA, Nonpublic school requirements for compulsory enrollment exemption. To qualify its students a nonpublic or home school shall:

- (1) maintain records on pupil attendance and disease immunization and make records available to the County Superintendent on request;*
- (2) shall provide at least the minimum aggregate hours of public instruction 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;*
- (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 fiscal year of the student's attendance at the school.*

History: En. Sec. 2, Ch.355, L 1983; and Sec. 3, Ch. 496, L 1989

Parent or Guardian (print) *Parent or Guardian Signature*

Address *Phone*

City *State* *Zip* *Date*

