

## MONTANA

- Compulsory Attendance Ages:** “7 years of age or older prior to the first day of school” and “the later of the following dates: the child’s 16th birthday; the date of completion of the work of the 8th grade.” Montana Code Annotated § 20-5-102(1).
- Required Days of Instruction:** 720 hours per year for grades 1—3 and, 1,080 hours per year for grades 4—12. Mont. Code Ann. § 20-5-109(2) and § 20-1-301(2).
- Required Subjects:** Same “basic instructional program” as public schools. § 20-7-111.

**Home School Statute:** Mont. Code Ann. § 20-5-102(2)(e). Children can be enrolled in a “home school that complies with the provisions of 20-5-109.”

Definition of a home school: “A home school is the instruction by a parent of his child, stepchild or ward in his residence.” § 20-5-102(2)(e).

According to § 20-5-109, the home school must:

1. Maintain attendance and immunization records which must be available for inspection by the county superintendent on request;
2. Be in a building that complies with local health and safety regulations (for homes, not schools);
3. Provide at least the minimum aggregate hours of instruction in accordance with § 20-1-301 and § 20-1-302, (§ 20-1-301 prescribes the total number of hour shown above, and § 20-1-302 authorizes the local school district to prescribe the length of the school day);
4. Annually notify the county superintendent of intent to home school; and
5. Provide an organized course of study according to § 20-7-111. The board of public education has the authority to “define and specify the basic instructional program for pupils in public schools.” *See*, § 20-7-111.
6. Neither the superintendent nor the school board has the authority to approve home schools.
7. In § 20-5-111, the “Responsibilities and Rights of Parents who Provide Home School” are specifically described. This section of the Montana Code clearly recognizes the parents as being *solely* responsible for their children’s education. The law states:

“Subject 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:

- a. The educational philosophy of the home school;
- b. the selection of instructional materials, curriculum, and textbooks;
- c. the time, place, and method of instruction; and
- d. the evaluation of the home school instruction.”

**Teacher Qualifications:** None.

**Standardized Tests:** None.