

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on February 14, 2005 at
3:15 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Lois O'Connor, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 291, 2/14/2005
Executive Action: SB 291

{Tape: 1; Side: A; Time Counter: 3.5}

HEARING ON SB 291

Opening Statement by Sponsor:

SEN. DON RYAN (D), SD 10, said that he was not an opponent of home schooling. He looks at the record of many outstanding parents whose children, through their efforts, have achieved at national award winning levels. He acknowledged and complimented those parents who have the time and commitment to dedicate their lives to ensuring that their children receive the quality education that they think is better or more appropriate than what may be available in a public or private school setting. SB 291 is not intended to stop that process from happening, but is directed at those people who use the freedom that home schools have to take their children away from education and to avoid truancy--those parents who are not nearly as committed as the majority of home school parents.

SEN. RYAN said that the Quality Home School and Child Protection Act (SB 291) indicates that anyone who claims that they are a home schooler should be able to say with pride that they know that every child at home schools, under Montana home school law, is educating their children and preparing them for the future. Currently, this is not the case. SB 291 would ensure that parents who do not have the best interest of their children at heart do not use the home school laws and privileges to hide their children from the system.

In conclusion, **SEN. RYAN** said that SB 291 requires home school children to register with school districts and take standardized tests in the 4th, 8th, and 11th grades to measure the children's academic progress for the first two years; and it imposes monitors on parents who lack a college education. In conclusion, **SEN. RYAN** asked the opponents of SB 291 what they were willing to do to protect the children who do not have parents as committed as them in order to ensure that those children were prepared for the 21st Century--what is their solution. SB 291 would provide a safety net for children who fall victim to Montana's limited home schooling requirements.

SEN. RYAN offered amendments to SB 291 that would be discussed at a later time.

EXHIBIT (eds36a01)

{Tape: 1; Side: B; Time Counter: 14.6}

Proponents' Testimony:

Dave Lloyd, Superintendent, Moore Schools; Donna Maddux, Superintendent of Schools, Flathead County; Darrel Rud, School Administrators of Montana (SAM), provided written comments in support of SB 291.

[EXHIBIT\(eds36a02\)](#)

[EXHIBIT\(eds36a03\)](#)

[EXHIBIT\(eds36a04\)](#)

{Tape: 2; Side: A; Time Counter: 0.1}

Gary Kinney, Virginia City, spoke in favor of SB 291 stating that the mother of his son home schooled his son for 20 minutes a day and deprived him of the education he deserved. He said that according to test scores, his son was performing at a second-grade level when he should have been in the 4th grade. He believed that there should be some form of regulation on home schools.

{Tape: 2; Side: A; Time Counter: 4.7}

Jan Cahill, Quality Life Concepts, said that Quality Life Concepts is the largest provider of services to children and adults with developmental disabilities in the state. Since the language regarding children with developmental disabilities could not be home schooled has been stricken, he stands in support of SB 291. He said that he firmly believed in public education, private and parochial schools, and home schools because he believed that 90% or more of the people who provide home schooling to their children do so with excellence and because they care.

{Tape: 2; Side: A; Time Counter: 8.5}

Opponents' Testimony:

Steve White, Legislative Liaison, MT Coalition of Home Educators, provided written comments in opposition to SB 291 and read from a letter provided by **Mark Roedel, Executive Committee Member, MT Coalition of Home Educators,** in opposition to SB 291.

[EXHIBIT\(eds36a05\)](#)

[EXHIBIT\(eds36a06\)](#)

{Tape: 2; Side: A; Time Counter: 15.1}

Evangelina Duke, Miss Montana and Senior, Rocky Mountain College-Billings, said that she was home schooled for a majority of her childhood, and she believed that SB 291 would be crippling for many home school families who live in the rural communities. She added that her siblings have thrived and excelled in their home school environment and her mother never held a college education.

SEN. BOB KEENAN, SD 5; provided excerpts from the Senate floor session in regard to SB 198 introduced by **SEN. KITZENBERG**--bullying bill--and an e-mail sent by **SEN. RYAN** asking Superintendents of Schools to provide him with isolated "horror stories" about home schooling.

[EXHIBIT \(eds36a07\)](#)

[EXHIBIT \(eds36a08\)](#)

SEN. KEENAN said that the state needs to preserve the right for parents to home school their children and that SB 291 is a legislative assault on families and freedom. He also felt that SB 291 was introduced in violation of Joint Rule 40.100-4 related to unfunded mandates.

{Tape: 2; Side: A; Time Counter: 18.1}

Dewitt Black, Senior Counsel, Home School Legal Defense Association, provided written comments in opposition to SB 291.

[EXHIBIT \(eds36a09\)](#)

{Tape: 2; Side: A; Time Counter: 23.4}

Brian Ray, Ph.D, State-licensed Teacher, provided written comments in opposition to SB 291 along with two brochures entitled Home Schooling Grows Up and Home Schooling Achievement and a publication he wrote entitled Learning at Home in Montana: Student Achievement and Family Characteristics.

[EXHIBIT \(eds36a10\)](#)

[EXHIBIT \(eds36a11\)](#)

[EXHIBIT \(eds36a12\)](#)

{Tape: 2; Side: B; Time Counter: 6.9}

Ruth Harris, Missoula; Elaine Solle-Herman, MT Eagle Forum; and Britney Moss, Bozeman, provided written comments in opposition to SB 291.

[EXHIBIT\(eds36a13\)](#)

[EXHIBIT\(eds36a14\)](#)

[EXHIBIT\(eds36a15\)](#)

{Tape: 2; Side: B; Time Counter: 16.0}

Keith Simmons, Milltown; provided written comments in opposition to SB 291 along with a letter from his pastor, a copy of two of **Dr. Brian Ray's** research compilations on home schooling entitled Learning at Home in Montana: Student Achievement and Family Characteristics and Home Schooling on the Threshold.

[EXHIBIT\(eds36a16\)](#)

[EXHIBIT\(eds36a17\)](#)

[EXHIBIT\(eds36a18\)](#)

[EXHIBIT\(eds36a19\)](#)

Eric Schiedermayer, MT Catholic Conference provided written comments in opposition to SB 291 while **Travis Butcher, MT Coalition of Home Educators** provided a compilation of essays written by Montana's Home Educated Children and stood in opposition to SB 291.

[EXHIBIT\(eds36a20\)](#)

[EXHIBIT\(eds36a21\)](#)

{Tape: 2; Side: B; Time Counter: 20.7}

Kathryn Hainsworth, Ann Bitz, Big Sandy; Tim Hiebert, Bozeman; Steven Wagner, Covenant Community Church; Lloyd Miller, Libby Amish; Jeff Ullrey, Helena; Sue Lapka, Ovando; Dr. Roxie Sporleder, Educator; Tammy Latta, Flathead Valley; Barda Allen, Helena; Cole Hikkema, Three Forks; Robyn Miller, Billings; Skylar Hall, Great Falls; Patrice Downey, Butte; Ken Hall, Great Falls; Jodi Jones, Trego; Carisa Cegavske, Citizen; Colleen Turk, Kalispell; Kristin Schuster, Bozeman; Bridger Estell, Moccasin; David Rasmussen, Whitefish; Conna Bond, Condon; Emily Beth Bond, Condon; Hannah Estell, Moccasin; Bethany Estell, Moccasin; Christian Lane, Hamilton; Stephanie Lane, Hamilton; Kristi Geisser, Broadwater County; Rebecca Wysoski, Bozeman; Dr. Charles Dresser, Stevensville; and Nathanael Kramer, Flathead Valley; provided written comments for themselves and others in opposition to SB 291.

[EXHIBIT\(eds36a22\)](#)

[EXHIBIT\(eds36a23\)](#)

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[EXHIBIT \(eds36a61\)](#)

Oro Miller, Citizen, said if it is not broke, why fix it. When his family and several other families moved to Mineral County, schools were concerned about their ability to teach their children and made them take the IOWA basic achievement test. They beat the County in every subject. The issue is not education, it is dedication.

Tape: 3; Side: A; Time Counter: 6.4

Mathew Henry, Bozeman, said that SB 291 encroaches upon the freedom of home educators within the state; and if he did not speak up, private schools are next.

Loretta Markus, Ulm, said that she home schooled her children for 14 years. Her daughter was born with cerebral palsy, and her daughter's doctor said that she would never read, talk, or spell. Because of the freedoms that the nation enjoys, her daughter is attending college.

Pascal Redfern, Missoula, said that SB 291 may cause a problem for those who home school for religious reasons. He did not see how the state could test home school children without violating the sectarian schools section of the Constitution. In addition, the fiscal note shows that the state cannot afford to implement SB 291.

Pastor Frank Wasalius, Patricia Down, Tyler Rasmussen, Carla May Zuell, Clair Woods, and REP. JOHN SINRUD, HD 67, spoke in opposition to SB 291.

{Tape: 3; Side: A; Time Counter: 24.8}

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. JIM ELLIOTT, SD 7, said that after testimony, there has been merit to the argument on both sides. This is an issue that will not go away. He hoped that people would come together and solve the problem without legislation. However, SB 291 has created such a divide among people that it is more appropriate to table it.

SEN. RYAN said that SB 291 is in the Committee's hands, that is the way the process works.

{Tape: 3; Side: A; Time Counter: 30.0}

Closing by Sponsor:

SEN. RYAN said that according to opponent testimony SB 291 tries to address a problem that does not exist. However, there are "shadow children" in Montana. They are not the children of the parents who attended this hearing. He added that he has, as adopted daughters, two such children. To say that there is no evidence, why have school administrators across the state agreed that there was a problem and they wanted something done--that to him is evidence. To say that an uneducated parent with no high school diploma can teach better than and educated, certified-

licensed teacher--prove it. He wished that every child had parents of quality like those of the home school children attending this hearing, but that is not the case. **SEN. RYAN** asked that the parents of the children who are doing a good job, help find a way to ensure that the "shadow children" receive the opportunity to have a book put in front of them.

{Tape: 3; Side: B; Time Counter: 5.1}

EXECUTIVE ACTION ON SB 291

Discussion:

SEN. ELLIOTT said that there was no one in the room who does not want to protect children, whether they go to private school, home school, or public school. However, the reality is that children are hurt in each one of those circumstances. Because this is an issue that will not disappear, it was his hope that the home school community could come to some conclusion as to how they could help prevent this from happening.

Motion/Vote: **SEN. ELLIOTT** moved that SB 291 BE TABLED. Motion carried on a 10 to 1 voice vote with **SEN. RYAN** voting nay.

ADJOURNMENT

Adjournment: 5:40 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

EXHIBIT ([eds36aad0.PDF](#))