



Home School Informational Packet

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 a summary of Montana law pertaining to home schooling. This document outlines key statutes re: private/nonpublic schools 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 2021 Montana Code Annotated 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.

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\(1\)](#).

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 the parent, guardian, or person 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 the parent’s child, stepchild, or ward in the parent’s residence and a nonpublic school includes a parochial, church, religious, or private school.” [Mont. Code Ann. §20-5-102\(2\)](#).

Home School Requirements. [Section 20-5-109](#), Mont. Code Ann. states: "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."

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 “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.” [Mont. Code Ann., § 20-5-111.](#)

Home School and Individuals with Disabilities Education Act (IDEA)

In Montana, homeschooled students that are registered with the county superintendent of schools are considered parentally placed private school students. These students must be treated the same as other parentally placed private school students under the IDEA. No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if fully enrolled in a public school. 34 CFR 300.137. Additional information on the IDEA and private school students can be found in OPI’s [Special Education in Montana guide](#).

The following information is attached:

- Montana statutes relating to home schooling.
- Montana School Accreditation Standards that identify basic education programs for elementary, middle grades, and high school, including graduation.

Addresses of home-schooling associations that may assist you:

Association of Nonpublic Schools of Montana
P O Box 1708
Helena, MT 59624

The Grapevine
P O Box 3228
Missoula, MT 59806

Montana Coalition of Home Educators
P O Box 43
Gallatin Gateway, MT 59730
Web Site: <https://www.mtche.org/>

For additional copies of the home school packet, contact Andy Boehm, Data Specialist at 406-444-0375.

MONTANA CODE ANNOTATED

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\(4\)\(d\)](#).

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.

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.

[20-5-103. Compulsory attendance 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 attend the school in which the child is enrolled for the school term and each school day in the term prescribed by the trustees of the district 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) The provisions of subsection (1) do not apply in the following cases:
 - (a) The child has been excused under one of the conditions specified in [20-5-102](#).
 - (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
 - (c) The child has been suspended or expelled under the provisions of [20-5-202](#).
 - (d) The child is excused pursuant to [20-7-120](#).

[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.

20-5-110. 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
 - (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.

20-5-111. Responsibilities and rights of parent who provides home school -- rights of child in 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.

20-7-111. Instruction in public schools.

- (2) 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.
- (3) 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.

Administrative Rules of Montana Chapter 55 - Standards of Accreditation Sub-Chapter 9: 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 or grade-band learning progressions and recognize the distinct and unique cultural heritages of American Indians
- (2) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Content Standards.

10.55.902 BASIC EDUCATION PROGRAM: JUNIOR HIGH SCHOOL, 7TH AND 8TH GRADE PROGRAM, OR MIDDLE SCHOOL

- (1) A school district's junior high school, 7th and 8th grade program, or middle school that complies with the requirements of this rule shall be accredited by the Board of Public Education in such capacity, according to the school district's compliance through a junior high school, 7th and 8th grade program, or middle school. To earn accreditation for its junior high school, 7th and 8th grade program, or middle school, the school district 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 or grade-band learning progressions and recognizes the distinct and unique cultural heritages of American Indians.
- (2) The Board of Public Education, upon recommendation of the Superintendent of Public Instruction, may approve a 7th and 8th 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 Content Standards;

- (d) includes, at a minimum, the following program areas as aligned with ARM [10.55.603](#) and [10.55.1001](#) are required of all students yearly:
 - (i) English language arts;
 - (ii) mathematics;
 - (iii) physical and life sciences;
 - (iv) social studies; and
 - (v) health and physical education;
 - (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 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 or grade-band progressions.
- (a) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Content Standards, ARM Title 10, chapter 53.
 - (b) All students shall complete the following program areas each year:
 - (i) 1 unit of English language arts;
 - (ii) 1 unit of social studies;
 - (iii) 1 unit of mathematics;
 - (iv) 1 unit of science; and
 - (v) ½ unit of health and physical education.
 - (c) All students must be allowed to elect from the following program area offerings:
 - (i) ½ unit of visual arts;
 - (ii) ½ unit of music;
 - (iii) ½ unit of career and technical education; and
 - (iv) ½ unit of world languages and cultures.
 - (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.

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 or grade-band learning progressions and recognizes the distinct and unique cultural heritages of American Indians.
- (2) Instruction in reading literacy and writing literacy shall be incorporated into all required and elective program areas as required in the Montana Content 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 (including $\frac{1}{2}$ unit of Civics or Government);
 - (e) 2 units of career and technical education;
 - (f) 2 units of arts;
 - (g) 1 unit of health and physical education;
 - (h) 2 units of world languages;
 - (i) 2 units of electives; and
 - (j) $\frac{1}{2}$ unit of economics or financial literacy within the 3 units of social studies, the 3 units of mathematics, or the 2 units of career and technical education.

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 or grade-band learning progressions. Students may demonstrate achievement through a flexible system of pupil-centered learning.
- (2) In order for students to graduate, they must meet the content and performance standards. The following 13 units shall be part of the 20 units. The required units may be satisfied by an equivalent course that meets the district's curriculum and assessment requirements, which are aligned with each of the content standards:
 - (a) 4 units of English language arts;
 - (b) 2 units of mathematics;
 - (c) 2 units of social studies (including a $\frac{1}{2}$ unit of Civics or Government);
 - (d) 2 units of science;
 - (e) 1 unit of health and physical education;
 - (f) 1 unit of arts;
 - (g) 1 unit of career and technical education; and
 - (h) $\frac{1}{2}$ unit of economics or financial literacy within the 2 units of social studies, the 2 units of mathematics, or the 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.

10.55.906 HIGH SCHOOL CREDIT

- (1) A high school shall require a minimum of 20 units of credit for graduation, including ninth grade units.
 - (a) A unit of credit is defined as the equivalent of at least 8100 minutes for one year, equivalent proficiency without regard to time, or demonstration of an equivalent course that meets the district's curriculum and assessment requirements, which are aligned with each of the content standards.
 - (b) Passage of time between classes may be counted toward the standard school day but shall not be counted toward class time.
- (2) A student who is unable to attend class for the required amount of time may be given fractional credit for partial completion of a course, with the local board of trustees' permission.
- (3) The local board of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.
- (4) With the permission of the local board of trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's curriculum and assessment requirements, which are aligned with the content standards stated in the education program. Examples of acceptable course work include those delivered through correspondence, extension, and distance learning courses, adult education, summer school, work study, specially designed courses, and challenges to current courses. Acceptable programs must be consistent with the local board of trustees' policy.
 - (a) Montana high schools shall accept such units of credit taken with the approval of the accredited Montana high school in which the student was then enrolled and which appear on the student's official high school transcript as defined in ARM [10.55.911](#).

10.55.907 DISTANCE, ONLINE, AND TECHNOLOGY-DELIVERED LEARNING

- (1) This rule establishes requirements for distance, online, and technology-delivered learning programs and/or courses that fulfill elementary or middle grades basic education programs and/or high school graduation requirements.
- (2) School districts may receive and/or provide distance, online, and technology-delivered learning programs.
 - (a) School districts receiving distance, online, and technology-delivered learning programs to supplement instruction may utilize distance, online, and technology-delivered learning as they would other supplementary resources without restriction.
 - (b) Distance, online, and technology-delivered learning programs and/or courses shall at a minimum be aligned with state content standards and content-specific grade-level or grade-band learning progressions.
 - (c) Annually, a school district shall provide a report to the Superintendent of Public Instruction documenting all distance, online and technology-delivered courses, student enrollments, and the digital content providers.

- (3) Except as provided in (3)(a), teachers of distance, online, and technology-delivered learning programs shall be licensed and endorsed in Montana or elsewhere in the area of instruction with such license granted as a result of the completion of an accredited professional educator preparation program as defined in [ARM 10.57.102](#). School districts receiving distance, online, and technology-delivered learning programs described in this rule shall have a distance learning facilitator for each course and available to the students.
 - (a) When a teacher of distance, online, and technology-delivered learning programs and/or courses does not possess the qualifications specified in (3), the facilitator must be licensed and endorsed in Montana or elsewhere in the area of instruction facilitated.
 - (b) When a teacher of distance, online, and technology-delivered learning programs is qualified as provided in (3), the receiving school district's facilitator shall be a licensed teacher or a para-educator.
 - (c) School districts receiving distance, online, and technology-delivered learning programs and/or courses must provide qualified facilitators for synchronous delivery to students in schools accredited by the Montana Board of Public Education, requiring physical presence of a facilitator, and for asynchronous delivery, requiring facilitators be available to students.
 - (d) The school district must ensure that the distance, online, and technology-delivered learning facilitators receive in-service training on technology-delivered instruction.
- (4) Montana school districts providing distance, online and technology-delivered learning shall comply with the teacher load requirements of [ARM 10.55.713\(3\)](#).
- (5) Digital content providers serving Montana schools accredited by the Board of Public Education shall:
 - (a) annually register, prior to delivering courses, with the Office of Public Instruction;
 - (b) annually identify the Montana school districts served in the current school year by the digital content provider, including the courses and student enrollments for each school district served; and
 - (c) document the professional qualifications, including Montana teacher licensure and endorsement, of their teachers of distance, online, and technology-delivered programs and/or courses by providing names and credentials of other licensing entities, when not licensed and endorsed in Montana.

10.55.908 SCHOOL FACILITIES

- (1) School facilities shall be constructed, maintained, and supervised in accordance with all applicable local, state, and federal codes, regulations, and laws.
- (2) School facilities shall be of sufficient size and arrangement to meet all programs' educational goals.
- (3) The local board of trustees shall provide for educational facilities which are functional and safe for the conduct of the educational and extracurricular activities of students, and which will meet federal accessibility standards.
- (4) The school shall provide the necessary equipment for first aid.
- (5) When the local board of trustees considers major remodeling or building a facility, it shall seek facility expertise in all affected program areas as well as comments from faculty, students, and community.
- (6) The local board of trustees shall have a written policy that defines the use of school facilities and resources.

10.55.909 STUDENT RECORDS

- (1) Each school shall keep, in secure storage, a permanent file of students' records, that shall include:
 - (a) the name and address of the student;
 - (b) his/her parent or guardian;
 - (c) birth date;
 - (d) academic work completed;
 - (e) level of achievement (grades, standardized achievement tests);
 - (f) immunization records as per [20-5-406](#), MCA;
 - (g) attendance data; and
 - (h) the statewide student identifier assigned by the Office of Public Instruction.
- (2) The local board of trustees shall establish policies and procedures for the use and transfer of student records that are in compliance with [20-1-213](#), MCA, and state and federal laws governing individual privacy. All educational records collected and maintained by a school shall be kept in a confidential manner according to the implementing regulations of the Family Educational Rights and Privacy Act (FERPA) at 34 CFR part 99.
- (3) The local board of trustees shall develop a process for destruction of records pursuant to [20-1-213](#), MCA, including nonpermanent student records. Nonpermanent student records are records retained in a central file maintained by the school containing a student's cumulative educational records, which are not retained as a student's permanent record detailed in (1).
- (4) All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official.

10.55.910 STUDENT DISCIPLINE RECORDS

- (1) Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When a local board of trustees takes disciplinary action against a student, the board must take minutes of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. For the purpose of this rule, a disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record must be maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to transfer to a local educational agency, accredited school, or nonpublic school pursuant to [20-1-213](#), MCA.

10.55.911 OFFICIAL HIGH SCHOOL TRANSCRIPT

- (1) The high school transcript is the official academic record of the courses and credits completed by a high school student. At a minimum, the high school transcript must include:
 - (a) statewide student identifier;
 - (b) student legal name, address, gender, and date of birth;
 - (c) statewide school identifier, school name, school address, school phone, school system name, school system code, and school code;
 - (d) student grade level;
 - (e) student entry date and exit date;
 - (f) course code, course title, course grade, and credits earned for each school term and course taken;
 - (g) grade point average;
 - (h) graduation date;
 - (i) diploma type;
 - (j) class rank;
 - (k) number in class;
 - (l) for each test reported, the test date and the score for each portion of the test;
 - (m) academic honors, if applicable; and
 - (n) required number of credits for graduation.