

## HOUSE BILL NO. 456

INTRODUCED BY C. SMITH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR PARENTAL CONTROL OVER STUDENT  
5 PARTICIPATION IN COURSES OF INSTRUCTION INVOLVING HUMAN SEXUAL EDUCATION; REQUIRING  
6 A SCHOOL DISTRICT TO INFORM A PARENT OR GUARDIAN WHEN EVENTS OR COURSES ON HUMAN  
7 SEXUALITY WILL BE HELD OR TAUGHT; PROHIBITING A SCHOOL DISTRICT FROM ALLOWING ANY  
8 ABORTION SERVICES PROVIDER TO OFFER MATERIALS OR INSTRUCTIONS AT A SCHOOL; AMENDING  
9 SECTION 20-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 20-5-103, MCA, is amended to read:  
14 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any parent,  
15 guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the  
16 first day of school in any school fiscal year shall cause the child to attend the school in which the child is enrolled  
17 for the school term and each school day in the term prescribed by the trustees of the district until the later of the  
18 following dates:

- 19 (a) the child's 16th birthday; or  
20 (b) the date of completion of the work of the 8th grade.  
21 (2) The provisions of subsection (1) do not apply in the following cases:  
22 (a) ~~The~~ the child has been excused under one of the conditions specified in 20-5-102-;:  
23 (b) ~~The~~ the child is absent because of illness, bereavement, or other reason prescribed by the policies  
24 of the trustees-;  
25 (c) ~~The~~ the child has been suspended or expelled under the provisions of 20-5-202-; or  
26 (d) the child is excused pursuant to [section 2]."

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28 **NEW SECTION. Section 2. Excused absences from curriculum requirements -- notice --**  
29 **prohibited activities.** (1) Any parent, guardian, or other person who is responsible for the care of a child may  
30 refuse to allow the child to attend or withdraw the child from a course of instruction, a class period, an assembly,

1 an organized school function, or instruction of any type that involves human sexual education, human sexuality  
2 issues, or information regarding sexual acts. The withdrawal or refusal to attend is an excused absence pursuant  
3 to 20-5-103.

4 (2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or  
5 assembly that involves human sexual education, human sexuality issues, or information regarding sexual acts,  
6 whether introduced by school educators, administrators, or officials or by guests invited at the request of the  
7 school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours prior to holding an  
8 event or assembly or introducing materials for instructional use.

9 (3) A school district shall notify the parent or guardian of each student enrolled in the district or school  
10 of:

11 (a) the basic content of the district's or school's human sexuality instruction intended to be taught to the  
12 student; and

13 (b) the parent's or guardian's right to remove the student from any part of the district's or school's human  
14 sexuality instruction.

15 (4) A school district shall make all curriculum materials used in the district's or school's human sexuality  
16 instruction available for public inspection prior to the use of the materials in actual instruction.

17 (5) A school district or its personnel or agents may not permit a person, entity, or any affiliates or agents  
18 of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to  
19 human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or any affiliates  
20 or agents of the person or entity is a provider of abortion services.

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22 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2011.

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