

HOUSE BILL NO. 456

INTRODUCED BY C. SMITH, WITTICH, HALE, ESSMANN, MCGILLVRAY, STAHL, BLASDEL, HOWARD,
MILBURN, TAYLOR, LONEY, WARBURTON, EDMUNDS, G. BENNETT, SKEES, CUFFE, HARRIS,
K. PETERSON, MORE, KNOX, OSMUNDSON, VANCE, BERRY, BLYTON, INGRAHAM, WAGNER, READ,
KARY, O'HARA, RANDALL, D. KENNEDY, J. KNOX

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

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

Section 1. Section 20-5-103, MCA, is amended to read:

"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~~ the child has been excused under one of the conditions specified in 20-5-102-; ;

(b) ~~The~~ the child is absent because of illness, bereavement, or other reason prescribed by the policies
of the trustees-; ;

(c) ~~The~~ the child has been suspended or expelled under the provisions of 20-5-202-; or

(d) the child is excused pursuant to [section 2]."

1 NEW SECTION. **Section 2. Excused absences from curriculum requirements -- notice --**
 2 **prohibited activities.** (1) Any parent, guardian, or other person who is responsible for the care of a child may
 3 ~~refuse to allow the child to attend or withdraw the child from~~ A SCHOOL MAY NOT ALLOW A CHILD TO ATTEND a course
 4 of instruction, a class period, an assembly, an organized school function, or instruction of any type that involves
 5 human sexual education, human sexuality issues, or information regarding sexual acts. ~~The withdrawal or refusal~~
 6 ~~to attend is an excused absence pursuant to 20-5-103.~~ UNLESS EACH CHILD'S PARENT OR GUARDIAN AGREES IN
 7 WRITING TO ALLOW THE CHILD TO ATTEND THE INSTRUCTION. PURSUANT TO 20-5-103, A CHILD IS EXCUSED FROM
 8 PARTICIPATING IN THE INSTRUCTION UNLESS THE CHILD FAILS TO ATTEND AFTER THE PARENT OR GUARDIAN HAS AGREED
 9 IN WRITING TO ALLOW THE CHILD'S ATTENDANCE.

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

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

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

19 (b) the parent's or guardian's right to ~~remove~~ INCLUDE the student ~~from any part of~~ IN the district's or
 20 school's human sexuality instruction.

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

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

27
 28 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2011.

29 - END -