

HOUSE BILL NO. 423

INTRODUCED BY C. SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO OBTAIN WRITTEN CONSENT FROM A PARENT OR GUARDIAN BEFORE INSTRUCTING STUDENTS IN HUMAN SEXUALITY 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 INSTRUCTION AT A SCHOOL; AMENDING SECTION 20-5-103, MCA; AND PROVIDING A DELAYED 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 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 [section 3]."

**NEW SECTION. Section 2. Findings and purpose.** The legislature finds that parents desire to retain control over choices of options for educating their children. The purpose of [section 3] is to enable parents to make decisions on how best to educate their children.



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2           NEW SECTION.   **Section 3. Excused absences from curriculum requirements -- notice --**  
3 **prohibited activities.** (1) A school may not allow a child to attend a course of instruction, a class period, an  
4 assembly, an organized school function, or instruction of any type that involves human sexual education, human  
5 sexuality issues, or information regarding sexual acts unless each child's parent or guardian agrees in writing to  
6 allow the child to attend the instruction. Pursuant to 20-5-103, a child is excused from participating in the  
7 instruction unless the child fails to attend after the parent or guardian has agreed in writing to allow the child's  
8 attendance.

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

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

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

18           (b) the parent's or guardian's right to include the student in the district's or school's human sexuality  
19 instruction.

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

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

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27           NEW SECTION.   **Section 4. Codification instruction.** [Sections 2 and 3] are intended to be codified  
28 as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [sections 2 and 3].  
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30           NEW SECTION.   **Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
2 remains in effect in all valid applications that are severable from the invalid applications.

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4 NEW SECTION. Section 6. Effective date. If approved by the electorate, [this act] is effective January  
5 1, 2015.

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7 NEW SECTION. Section 7. Submission to electorate. [This act] shall be submitted to the qualified  
8 electors of Montana at the general election to be held in November 2014 by printing on the ballot the full title of  
9 [this act] and the following:

10  YES to requiring a school district to obtain written consent from a parent or guardian before  
11 instructing students in human sexuality education.

12  NO to requiring a school district to obtain written consent from a parent or guardian before  
13 instructing students in human sexuality education.

14 - END -