

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Emrich - (S) Education and Cultural Resources

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

HB0566.002.003

1 HOUSE BILL NO. 566
2 INTRODUCED BY F. ANDERSON, S. KERNS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR SCHOOLS TO PROVIDE
5 NOTICE TO PARENTS AND GUARDIANS PRIOR TO THE PROVISION OF HUMAN SEXUALITY
6 INSTRUCTION; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; ESTABLISHING A
7 REMEDY FOR KNOWING, PURPOSEFUL, AND REPEATED VIOLATIONS; AMENDING SECTION 20-7-120,
8 MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 20-7-120, MCA, is amended to read:

13 **"20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.**

14 (1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to
15 attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school
16 function, or instruction provided by the district through its staff or guests invited at the request of the district
17 regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to
18 20-5-103.

19 ~~(2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or~~
20 ~~assembly at which the district provides human sexuality instruction, whether introduced by school educators,~~
21 ~~administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring~~
22 ~~parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing~~
23 ~~materials for instructional use.~~

24 (2) (a) Any school implementing or maintaining a curriculum, providing materials, or holding an
25 event or assembly at which the district provides human sexuality instruction, whether introduced by school
26 educators, administrators, or officials or by guests invited at the request of the school, shall adopt a policy
27 ensuring parental or guardian notification not less than 2 school days or more than 10 school days prior to

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1 holding the event or assembly or first introducing the materials for instructional use.

2 (b) When a topic related to human sexuality instruction is unexpectedly introduced through
3 student-initiated inquiry in a course, unit, or class for which notice was not provided under subsection (2)(a), a
4 teacher may not allow the topic to continue and may direct the student to take the inquiry to the student's parent
5 or guardian.

6 ~~(3)~~(2)(3) A school district shall annually notify the parent or guardian of each student scheduled
7 to be enrolled in a course that includes units or lessons on human sexuality instruction in the district or school in
8 advance of the instruction of:

9 (a) the basic content of the district's or school's human sexuality instruction intended to be taught
10 to the student and the availability of all curriculum materials related to human sexuality in the course for review
11 pursuant to subsection (4); and

12 (b) the parent's or guardian's right to withdraw the student from the district's or school's human
13 sexuality instruction.

14 ~~(4)~~(3)(4) A school district shall make all curriculum materials used in the district's or school's
15 human sexuality instruction available for public inspection prior to the use of the materials in actual instruction.

16 ~~(5)~~(4)(5) A school district or its personnel or agents may not permit a person, entity, or any
17 affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or
18 instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the
19 person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.

20 ~~(6)~~(5)(6) (A) For the purposes of this section, "human sexuality instruction" means ~~teaching or~~
21 ~~otherwise providing information about~~ PUPIL INSTRUCTION THAT PRIMARILY FOCUSES ON teaching or otherwise
22 providing information to students with a primary focus on any of the following topics: human sexuality, including
23 ~~intimate relationships,~~ intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted
24 infections, sexual acts, ~~sexual orientation, gender identity,~~ sexual orientation, gender identity, abstinence, or
25 ~~contraception, or reproductive rights and responsibilities,~~ or reproductive rights and responsibilities in a science
26 or health enhancement course in which, pursuant to federal law, students are separated by sex or are allowed
27 to be separated by sex for the instruction.

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1 ~~(B) THE TERM DOES NOT INCLUDE CLASSROOM DISCUSSION THAT ORIGINATES FROM A PUPIL AN EMPLOYEE~~
2 ~~RESPONDS TO AS NECESSARY TO RESOLVE A POINT OF DISCUSSION RAISED BY THE PUPIL.~~

3 ~~(b) The term does not include the incidental mention of these topics in works of art or literature.~~

4 ~~(6)(7) IN ADDITION TO THE NOTICE REQUIRED IN SUBSECTION (2) (3), A SCHOOL DISTRICT SHALL ADOPT A~~
5 ~~POLICY TO ENSURE AN ANNUAL NOTICE IS AVAILABLE, INCLUDING AN ELECTRONIC LINK TO MATERIALS OR SUMMARIES OF~~
6 ~~MATERIALS, CONSISTENT WITH COPYRIGHT LAWS, FOR:~~

7 ~~(A) THE DISTRICT'S HEALTH ENHANCEMENT CURRICULUM, INCLUDING LESSON PLANS OR OTHER MATERIALS~~
8 ~~USED FOR HUMAN SEXUALITY INSTRUCTION; AND~~

9 ~~(B) A CALENDAR OF EVENTS OR ASSEMBLIES AT WHICH HUMAN SEXUALITY INSTRUCTION WILL BE~~
10 ~~PROVIDED.~~

11 ~~(7)(8) THE SCHOOL DISTRICT SHALL PREPARE A SUMMARY OF THE DISTRICT'S HEALTH ENHANCEMENT~~
12 ~~CURRICULUM. THE DISTRICT SHALL REVIEW AND PREPARE ANY UPDATES TO THE SUMMARY EACH YEAR. THE SUMMARY IS~~
13 ~~PUBLIC INFORMATION AND IS SUBJECT TO THE PUBLIC'S RIGHT TO ACCESS THE INFORMATION PURSUANT TO 2-6-1003.~~

14 ~~(8)(9) A PERSON WHO KNOWINGLY, PURPOSELY, AND REPEATEDLY VIOLATES THIS SECTION MAY BE SUBJECT~~
15 ~~TO DISCIPLINARY ACTION AGAINST THE PERSON'S TEACHER OR SPECIALIST CERTIFICATE BY THE BOARD OF PUBLIC~~
16 ~~EDUCATION."~~

17
18 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023.

19 - END -