

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

HB0566.002.004

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 ~~(3)~~(2) A school district shall annually notify the parent or guardian of each student scheduled to be
25 enrolled in human sexuality instruction in the district or school in advance of the instruction of:

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

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

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

5 ~~(5)~~(4) A school district or its personnel or agents may not permit a person, entity, or any affiliate or
6 agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction
7 relating to human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or
8 any affiliate or agent of the person or entity is a provider of abortion services or medical treatments for gender
9 dysphoria.

10 ~~(6)~~(5) (A) For the purposes of this section, "human sexuality instruction" means ~~teaching or otherwise~~
11 ~~providing information about~~ PUPIL INSTRUCTION THAT PRIMARILY FOCUSES ON human sexuality, including intimate
12 ~~relationships,~~ human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual
13 ~~orientation, gender identity, abstinence, or contraception, or reproductive rights and responsibilities in a science~~
14 or health enhancement course in which, pursuant to federal law, students are separated by sex or are allowed
15 to be separated by sex for the instruction.

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

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

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

23 (B) A CALENDAR OF EVENTS OR ASSEMBLIES AT WHICH HUMAN SEXUALITY INSTRUCTION WILL BE
24 PROVIDED.

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

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

4

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

6

- END -

AMENDED