

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  
6INSTRUCTION; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; PROVIDING A  
7DEFINITION OF "IDENTITY INSTRUCTION"; REQUIRING PARENT OR GUARDIAN PERMISSION FOR A  
8CHILD TO RECEIVE IDENTITY INSTRUCTION; ESTABLISHING A REMEDY FOR KNOWING,  
9PURPOSEFUL, AND REPEATED VIOLATIONS; AMENDING SECTION 20-7-120, MCA; AND PROVIDING AN  
10EFFECTIVE DATE."

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

13  
14 **Section 1.** Section 20-7-120, MCA, is amended to read:

15 **"20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.**

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

21 (b) A school may not allow a child to attend a course of instruction, a class period, an assembly, an  
22 organized school function, or instruction provided by the district through its staff or guests invited at the request  
23 of the district that includes identity instruction unless that child's parent or guardian agrees in writing to allow the  
24 child to attend. Pursuant to 20-5-103, a child is excused from participating in the instruction unless the child fails  
25 to attend after the parent or guardian has agreed in writing to allow the child's attendance.

26 ~~(2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or~~  
27 ~~assembly at which the district provides human sexuality instruction, whether introduced by school educators,~~

**Amendment - 1st Reading/2nd House-blue - Requested by: Fred Anderson - Free Conference Committee on HB 566**

- 2023

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Drafter: Pad McCracken, 406-444-3595

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1 ~~administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring~~  
2 ~~parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing~~  
3 ~~materials for instructional use.~~

4 (2) ANY SCHOOL IMPLEMENTING OR MAINTAINING A CURRICULUM, PROVIDING MATERIALS, OR HOLDING AN  
5 EVENT OR ASSEMBLY AT WHICH THE DISTRICT PROVIDES HUMAN SEXUALITY INSTRUCTION or identity instruction,  
6 WHETHER INTRODUCED BY SCHOOL EDUCATORS, ADMINISTRATORS, OR OFFICIALS OR BY GUESTS INVITED AT THE  
7 REQUEST OF THE SCHOOL, SHALL ADOPT A POLICY ENSURING PARENTAL OR GUARDIAN NOTIFICATION NOT LESS THAN 2  
8 SCHOOL DAYS OR MORE THAN 10 SCHOOL DAYS PRIOR TO HOLDING AN EVENT OR ASSEMBLY OR FIRST INTRODUCING  
9 MATERIALS FOR INSTRUCTIONAL USE.

10 ~~(3)(2)(3)~~ A school district shall annually notify the parent or guardian of each student scheduled  
11 to be enrolled in A COURSE THAT INCLUDES UNITS OR LESSONS ON human sexuality instruction or identity  
12 instruction in the district or school in advance of the instruction of:

13 (a) the basic content of the district's or school's human sexuality instruction or identity instruction  
14 intended to be taught to the student AND THE AVAILABILITY OF ALL CURRICULUM MATERIALS RELATED TO HUMAN  
15 SEXUALITY instruction or identity instruction IN THE COURSE FOR REVIEW PURSUANT TO SUBSECTION (4); ~~and~~

16 (b) the parent's or guardian's right to withdraw the student from the district's or school's human  
17 sexuality instruction; and

18 (c) the requirement that the parent or guardian provide written permission to allow the child to  
19 attend identity instruction.

20 ~~(4)(3)(4)~~ A school district shall make all curriculum materials used in the district's or school's  
21 human sexuality instruction and identity instruction available for public inspection prior to the use of the  
22 materials in actual instruction.

23 ~~(5)(4)(5)~~ A school district or its personnel or agents may not permit a person, entity, or any  
24 affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or  
25 instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the  
26 person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.

27 ~~(6)(5)(6)~~ (A) For the purposes of this section, the following terms apply:

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1 ~~(i) "human-Human~~ (i) "human-Human sexuality instruction" means ~~teaching or otherwise providing information about~~  
2 ~~PUPIL INSTRUCTION THAT PRIMARILY FOCUSES ON~~ any manner of TEACHING OR OTHERWISE PROVIDING INFORMATION  
3 or materials TO STUDENTS WITH A PRIMARY FOCUS ON ANY OF THE FOLLOWING human sexuality TOPICS: human  
4 sexuality, including intimate relationships, ~~INTIMATE RELATIONSHIPS,~~ human sexual anatomy, sexual reproduction,  
5 sexually transmitted infections, sexual acts, ~~sexual orientation, gender identity,~~ SEXUAL ORIENTATION, GENDER  
6 IDENTITY, abstinence, or contraception, or reproductive rights and responsibilities, OR REPRODUCTIVE RIGHTS AND  
7 RESPONSIBILITIES in a science or health enhancement course in which, pursuant to federal law, students are  
8 separated by sex or are allowed to be separated by sex for the instruction.

9 (ii) "Identity instruction" means any manner of teaching or otherwise providing information or  
10 materials to students that contains a specific focus on sexual orientation, gender identity, and gender  
11 expression.

12 (b) Neither term under subsection (6)(a) includes or applies to a teacher's brief response to an  
13 unexpected student-initiated inquiry related to the topics under each term, if the response is only to the extent  
14 necessary to resolve the inquiry or to maintain civility and decorum in the classroom.

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

17 ~~(B) THE TERM DOES NOT INCLUDE THE INCIDENTAL MENTION OF THESE TOPICS IN WORKS OF ART OR~~  
18 ~~LITERATURE.~~

19 ~~(C) THE TERM ALSO DOES NOT APPLY TO A TEACHER'S RESPONSE TO AN UNEXPECTED STUDENT-INITIATED~~  
20 ~~INQUIRY, TO THE EXTENT NEEDED, IN THE DISCRETION OF THE TEACHER, TO RESOLVE THE INQUIRY OR TO MAINTAIN~~  
21 ~~CIVILITY AND DECORUM AMONG STUDENTS INVOLVED IN A STUDENT-INITIATED DISCUSSION OF THESE TOPICS.~~

22 ~~(6)(7)~~ (6)(7) IN ADDITION TO THE NOTICE REQUIRED IN SUBSECTION ~~(2)~~ (3), A SCHOOL DISTRICT SHALL ADOPT A  
23 POLICY TO ENSURE AN ANNUAL NOTICE IS AVAILABLE, INCLUDING AN ELECTRONIC LINK TO MATERIALS OR SUMMARIES OF  
24 MATERIALS, CONSISTENT WITH COPYRIGHT LAWS, FOR:

25 (A) THE DISTRICT'S HEALTH ENHANCEMENT CURRICULUM, INCLUDING LESSON PLANS OR OTHER MATERIALS  
26 USED FOR HUMAN SEXUALITY INSTRUCTION or identity instruction; AND

27 (B) A CALENDAR OF EVENTS OR ASSEMBLIES AT WHICH HUMAN SEXUALITY INSTRUCTION or identity

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1 instruction WILL BE PROVIDED.

2 ~~(7)(8) THE SCHOOL DISTRICT SHALL PREPARE A SUMMARY OF THE DISTRICT'S HEALTH ENHANCEMENT~~

3 CURRICULUM. THE DISTRICT SHALL REVIEW AND PREPARE ANY UPDATES TO THE SUMMARY EACH YEAR. THE SUMMARY IS

4 PUBLIC INFORMATION AND IS SUBJECT TO THE PUBLIC'S RIGHT TO ACCESS THE INFORMATION PURSUANT TO 2-6-1003.

5 ~~(8)(9) A PERSON WHO KNOWINGLY, PURPOSELY, AND REPEATEDLY VIOLATES THIS SECTION MAY BE SUBJECT~~

6 ~~TO DISCIPLINARY ACTION AGAINST THE PERSON'S TEACHER OR SPECIALIST CERTIFICATE BY THE BOARD OF PUBLIC~~

7 ~~EDUCATION.~~

8 ~~(9) (a) Remedies for the violation of this section include but are not limited to those under 20-4-~~

9 ~~110.~~

10 ~~(b) If, after investigating a violation under this section, the trustees of a district find that an~~

11 ~~individual has knowingly or repeatedly violated this section, the trustees shall report the findings to the board of~~

12 ~~public education pursuant to 20-4-110."~~

13

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

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