

1 SENATE BILL NO. 518  
2 INTRODUCED BY T. MANZELLA, K. REGIER, C. GLIMM, G. HERTZ, D. LENZ, B. BROWN, F. MANDEVILLE,  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS INVOLVING PARENTAL RIGHTS;  
6 PROVIDING FOR PARENT INVOLVEMENT IN EDUCATION; PROVIDING THAT PARENTS MAY  
7 WITHDRAW THEIR CHILD FROM CERTAIN SCHOOL INSTRUCTION, INCLUDING FOR RELIGIOUS  
8 PURPOSES; ESTABLISHING ADDITIONAL PARENTAL RIGHTS AND RESPONSIBILITIES; PROVIDING  
9 THAT, WITH CERTAIN EXCEPTIONS, EMPLOYEES OF GOVERNMENTAL ENTITIES ARE PROHIBITED  
10 FROM WITHHOLDING CERTAIN INFORMATION FROM PARENTS; PROVIDING REMEDIES FOR  
11 VIOLATIONS; INCREASING A FILING FEE; PROVIDING DEFINITIONS; AMENDING SECTIONS 20-5-103,  
12 25-1-202, AND 40-6-701, MCA; AND PROVIDING AN EFFECTIVE DATE."  
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15

16 NEW SECTION. **Section 1. Parental involvement in education.** (1) The board of trustees of a  
17 school district, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to  
18 promote the involvement of parents of children enrolled in the school district, including:  
19 (a) a plan for parent participation in the school district, which must be designed to improve parent  
20 and teacher cooperation in homework, attendance, and discipline;  
21 (b) procedures by which a parent may learn about the course of study for the parent's child;  
22 (c) procedures by which a parent may withdraw the parent's child from instruction or presentations,  
23 assemblies, guest lectures, or other educational events facilitated by a school's faculty or staff, including those  
24 conducted by outside individuals or organizations, that offend the parent's beliefs or practices;  
25 (d) procedures by which a parent may learn about the nature and purpose of clubs and  
26 extracurricular activities that have been approved by the school or that the school is required to allow under the  
27 provisions of the federal Equal Access Act of 1984 and may withdraw the parent's child from any club or  
28 extracurricular activity. A student shall provide a signed parental permission form prior to participating in any

1 school-sponsored club or extracurricular activity.

2 (e) ~~procedures by which a parent shall provide written consent before the parent's child uses a~~  
3 ~~name or nickname other than the child's legal name or before the parent's child uses a pronoun that does not~~  
4 ~~align with the child's sex. If a parent provides written consent under this subsection (1)(e), a person may not be~~  
5 ~~compelled to use pronouns that do not align with the child's sex. procedures by which students and staff are~~  
6 ~~addressed by only their last names; and~~

7 (f) procedures by which a parent may learn about parental rights and responsibilities under the  
8 laws of this state.

9 (2) The board of trustees of a school district may adopt a policy providing that parents may submit  
10 and receive the information required by this section in electronic form.

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12 NEW SECTION. Section 2. Construction. (1) Unless parental rights have been legally waived or  
13 legally terminated, parents have inalienable rights that are more comprehensive than those described in 40-6-  
14 701 or [section 1]. The protections afforded by 40-6-701 and [section 1] are in addition to the protections  
15 provided under federal law, other state laws, the United States constitution, and the Montana constitution.

16 (2) Section 40-6-701 and [section 1] must be construed in favor of a broad protection of the  
17 fundamental right of parents to direct the upbringing, education, health care, and mental health of their child.

18 (3) Nothing in 40-6-701 or [section 1] may be construed to authorize a governmental entity to  
19 burden the fundamental right of parents to direct the upbringing, education, health care, and mental health of  
20 their child.

21 (4) If a child has no affirmative right of access to a particular medical or mental health procedure or  
22 service, then nothing in 40-6-701 or [section 1] may be construed to grant the child's parent an affirmative right  
23 of access to the procedure or service on the child's behalf.

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25 **Section 3.** Section 20-5-103, MCA, is amended to read:

26 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), ~~any a~~  
27 parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older  
28 prior to the first day of school in any school fiscal year shall ~~cause~~ ensure the child to ~~attend~~ attends the school