

HOUSE BILL NO. 566

INTRODUCED BY F. ANDERSON, S. KERNS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR SCHOOLS TO PROVIDE NOTICE TO PARENTS AND GUARDIANS PRIOR TO THE PROVISION OF HUMAN SEXUALITY INSTRUCTION; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; ESTABLISHING A REMEDY FOR KNOWING, PURPOSEFUL, AND REPEATED VIOLATIONS; AMENDING SECTION 20-7-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

1           ~~(3)(2)~~ (3)           A school district shall annually notify the parent or guardian of each student scheduled  
2 to be enrolled in A COURSE THAT INCLUDES UNITS OR LESSONS ON human sexuality instruction in the district or  
3 school in advance of the instruction of:

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

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

9           ~~(4)(3)~~ (4)           A school district shall make all curriculum materials used in the district's or school's  
10 human sexuality instruction available for public inspection prior to the use of the materials in actual instruction.

11           ~~(5)(4)~~ (5)           A school district or its personnel or agents may not permit a person, entity, or any  
12 affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or  
13 instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the  
14 person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.

15           ~~(6)(5)~~ (6)           (A) For the purposes of this section, "human sexuality instruction" means ~~teaching or~~  
16 ~~otherwise providing information about~~ PUPIL INSTRUCTION THAT PRIMARILY FOCUSES ON TEACHING OR OTHERWISE  
17 PROVIDING INFORMATION TO STUDENTS WITH A PRIMARY FOCUS ON ANY OF THE FOLLOWING TOPICS: human sexuality,  
18 including ~~intimate relationships,~~ INTIMATE RELATIONSHIPS, human sexual anatomy, sexual reproduction, sexually  
19 transmitted infections, sexual acts, ~~sexual orientation, gender identity,~~ SEXUAL ORIENTATION, GENDER IDENTITY,  
20 abstinence, ~~or~~ contraception, ~~or reproductive rights and responsibilities,~~ OR REPRODUCTIVE RIGHTS AND  
21 RESPONSIBILITIES in a science or health enhancement course in which, pursuant to federal law, students are  
22 separated by sex or are allowed to be separated by sex for the instruction.

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

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

27           ~~(C) THE TERM ALSO DOES NOT APPLY TO A TEACHER'S RESPONSE TO AN UNEXPECTED STUDENT-INITIATED~~  
28 ~~INQUIRY, TO THE EXTENT NEEDED, IN THE DISCRETION OF THE TEACHER, TO RESOLVE THE INQUIRY OR TO MAINTAIN~~

1 CIVILITY AND DECORUM AMONG STUDENTS INVOLVED IN A STUDENT-INITIATED DISCUSSION OF THESE TOPICS.

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

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

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

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

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

15

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

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