



*****DRAFT*****

OPI Bill Draft Request – 2025 Legislature

Provide clarity regarding requirements for human sexuality instruction in [§ 20-7-120, MCA](#), and identify a remedy for violation of those requirements. Draft amendment language could be as follows:

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 students or by guests invited at the request of the school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours nor more than 10 days prior to holding an event or assembly or introducing materials for instructional use.

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

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

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

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

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

(6) For purposes of this section, "human sexuality instruction" means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts,

sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities.

(7) Violation of this section constitutes “gross neglect of duty” under 20-4-110.