

1 SENATE BILL NO. 518
2 INTRODUCED BY T. MANZELLA, C. HINKLE, B. BROWN, J. FULLER, K. REGIER, S. HINEBAUCH, B.
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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; The policy must provide options
19 for involvement of parents that satisfy and align with the definition of parental involvement in 20 U.S.C. 7801.
20 The policy must also assure protection of pupil rights under 20 U.S.C 1232h and parent and family engagement
21 under 20 U.S.C. 6318, including:

- 22 (a) a plan for parent participation in the school district, which must be designed to improve parent
23 and teacher cooperation in homework, attendance, and discipline;
- 24 (b) procedures by which a parent may learn about the course of study for the parent's child;
- 25 (c) procedures by which a parent may withdraw the parent's child from instruction or presentations,
26 assemblies, guest lectures, or other educational events facilitated by a school's faculty or staff, including those
27 conducted by outside individuals or organizations, that offend the parent's beliefs or practices;
- 28 (d) (i) procedures by which a parent may learn about the nature and purpose of clubs and

1 extracurricular activities that have been approved by the school or that the school is required to allow under the
2 provisions of the federal Equal Access Act of 1984 and may withdraw the parent's child from any club or
3 extracurricular activity. A student shall provide a signed parental permission form prior to participating in any
4 school-sponsored club or extracurricular activity.

5 (ii) on overnight trips, parents must be provided with the name of the child's roommate at least 24
6 hours in advance of the overnight trip.

7 (e) procedures by which a parent shall provide written consent before the parent's child uses a
8 name or nickname other than the child's legal name or before the parent's child uses a pronoun that does not
9 align with the child's sex. If a parent provides written consent under this subsection (1)(e), a person may not be
10 compelled to use pronouns that do not align with the child's sex. Notwithstanding a parent's written consent
11 under this subsection (1)(e), a person may not be compelled to use pronouns that do not align with the child's
12 sex if the use of those pronouns conflicts with that person's closely held belief.

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

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

17 (3) As used in this section, "closely held belief" means an individual's sincerely held view. The
18 belief may be of a religious character or purely secular. The belief may be personal to the individual and not
19 connected to or consistent with the beliefs or tenets of an established organization, church, sect, or
20 denomination.

21
22 **NEW SECTION. Section 2. Construction.** (1) Unless parental rights have been legally waived or
23 legally terminated, parents have inalienable rights that are more comprehensive than those described in 40-6-
24 701 or [section 1]. The protections afforded by 40-6-701 and [section 1] are in addition to the protections
25 provided under federal law, and other state laws, and are entitled to protection as fundamental rights under the
26 United States constitution, and the Montana constitution consistent with applicable holdings of the United
27 States supreme court.

28 (2) Section 40-6-701 and [section 1] must be construed in favor of a broad protection of the

1 fundamental right of parents to direct the upbringing, education, health care, and mental health of their child.

2 (3) Nothing in 40-6-701 or [section 1] may be construed to authorize a governmental entity to
3 burden the fundamental right of parents to direct the upbringing, education, health care, and mental health of
4 their child or to violate the rights of children under Article II, section 15, of the Montana constitution.

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

8

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

10 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any a
11 parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older
12 prior to the first day of school in any school fiscal year shall ~~cause~~ ensure the child to ~~attend~~ attends the school
13 in which the child is enrolled for the school term and each school day in the term prescribed by the trustees of
14 the district until the later of the following dates:

- 15 (a) the child's 16th birthday; or
- 16 (b) the date of completion of the work of the the child completes 8th grade.

17 (2) The provisions of subsection (1) do not apply in the following cases:

- 18 (a) The child has been excused under one of the conditions specified in 20-5-102.
- 19 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies
20 of the trustees.

21 (c) The child has been suspended or expelled under the provisions of 20-5-202.

22 (d) The child is excused pursuant to 20-7-120.

23 (e) The child is excused pursuant to 40-6-701(2)(l) or [section 1(1)(c)]."

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25 **Section 4.** Section 25-1-202, MCA, is amended to read:

26 **"25-1-202. Additional filing fees.** (1) In addition to other filing fees, the following fees must be paid to
27 the clerk of the district court at the time of filing a civil action in the district court:

- 28 (a) a fee of \$20; and