

Amendment - 2nd Reading/2nd House-tan - Requested by: Lee Deming - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

SB0518.002.001

1 SENATE BILL NO. 518
2 INTRODUCED BY T. MANZELLA, K. REGIER, C. GLIMM, G. HERTZ, D. LENZ, B. BROWN, F. MANDEVILLE,
3 M. NOLAND, S. HINEBAUCH, B. USHER, B. BEARD, J. FULLER, B. PHALEN, C. HINKLE, S. VANCE
4

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; REQUIRING SCHOOL DISTRICTS TO PROVIDE INFORMATION TO PARENTS ABOUT THE
9 EDUCATIONAL OPPORTUNITIES AVAILABLE TO CHILDREN OF THE DISTRICT; ESTABLISHING
10 ADDITIONAL PARENTAL RIGHTS AND RESPONSIBILITIES; PROVIDING THAT, WITH CERTAIN
11 EXCEPTIONS, EMPLOYEES OF GOVERNMENTAL ENTITIES ARE PROHIBITED FROM WITHHOLDING
12 CERTAIN INFORMATION FROM PARENTS; ~~PROVIDING REMEDIES FOR VIOLATIONS;~~ INCREASING A
13 FILING FEE; ~~PROVIDING DEFINITIONS;~~ AMENDING SECTIONS 20-5-103, AND 25-1-202, ~~AND~~ 40-6-701,
14 MCA; AND PROVIDING AN EFFECTIVE DATE DATES."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
17

18 NEW SECTION. Section 1. Parental involvement in education. (1) The board of trustees of a
19 school district, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to
20 promote the involvement of parents of children enrolled in the school district, including:

21 (a) a plan for parent participation in the school district, which must be designed to improve parent
22 and teacher cooperation in homework, attendance, and discipline;

23 (B) A PLAN TO PROVIDE PARENTS WITH INFORMATION ABOUT HOW TO PARTICIPATE IN THE GOVERNANCE
24 OF THE SCHOOL DISTRICT THROUGH THE LOCALLY ELECTED BOARD OF TRUSTEES;

25 ~~(b)(C)~~ procedures by which a parent may learn about the course of study for the parent's child;

26 ~~(e)(D)~~ procedures by which a parent may withdraw the parent's child from instruction or presentations,
27 assemblies, guest lectures, or other educational events facilitated by a school's faculty or staff, including those

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1 conducted by outside individuals or organizations, that offend the parent's beliefs or practices;
2 (d)(E) procedures by which a parent may learn about the nature and purpose of clubs and
3 extracurricular activities that have been approved by the school or that the school is required to allow under the
4 provisions of the federal Equal Access Act of 1984 and may withdraw the parent's child from any club or
5 extracurricular activity. A student shall provide a signed parental permission form prior to participating in any
6 school-sponsored club or extracurricular activity.

7 (e)(F) 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)(F), a person may not
10 be compelled to use pronouns that do not align with the child's sex.

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

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

16 **NEW SECTION. Section 2. Construction.** (1) Unless parental rights have been legally waived or
17 legally terminated, parents have inalienable rights that are more comprehensive than those described in 40-6-
18 701 or [section 1]. The protections afforded by 40-6-701 and [section 1] are in addition to the protections
19 provided under federal law, other state laws, the United States constitution, and the Montana constitution.

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

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

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