



AN ACT GENERALLY REVISING LAWS INVOLVING PARENTAL RIGHTS; PROVIDING FOR PARENT INVOLVEMENT IN EDUCATION; PROVIDING THAT PARENTS MAY WITHDRAW THEIR CHILD FROM CERTAIN SCHOOL INSTRUCTION, INCLUDING FOR RELIGIOUS PURPOSES; REQUIRING SCHOOL DISTRICTS TO PROVIDE INFORMATION TO PARENTS ABOUT THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO CHILDREN OF THE DISTRICT; ESTABLISHING ADDITIONAL PARENTAL RIGHTS AND RESPONSIBILITIES; PROVIDING THAT, WITH CERTAIN EXCEPTIONS, EMPLOYEES OF GOVERNMENTAL ENTITIES ARE PROHIBITED FROM WITHHOLDING CERTAIN INFORMATION FROM PARENTS; INCREASING A FILING FEE; AMENDING SECTIONS 20-5-103 AND 25-1-202, MCA; AND PROVIDING EFFECTIVE DATES.

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

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

- (a) a plan for parent participation in the school district, which must be designed to improve parent and teacher cooperation in homework, attendance, and discipline;
- (b) a plan to provide parents with information about how to participate in the governance of the school district through the locally elected board of trustees;
- (c) procedures by which a parent may learn about the course of study for the parent's child;
- (d) procedures by which a parent may withdraw the parent's child from instruction or presentations, assemblies, guest lectures, or other educational events facilitated by a school's faculty or staff, including those conducted by outside individuals or organizations, that offend the parent's beliefs or practices;
- (e) procedures by which a parent may learn about the nature and purpose of clubs and

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

(f) procedures by which a parent shall provide written consent before the parent's child uses a pronoun that does not align with the child's sex. If a parent provides written consent under this subsection (1)(f), a person may not be compelled to use pronouns that do not align with the child's sex.

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

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

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

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

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

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

Section 3. Information on educational opportunities -- duties of trustees. (1) The board of trustees of a school district shall develop, update, and annually provide to students and families of the district information on the educational opportunities available through the schools of the district. The information must

align to the legislative intent of preserving and protecting the right to access personalized learning as set forth in 20-7-1601 and must be designed to empower families in understanding the options available to them in partnering with schools to develop their child's full educational potential. A school board may satisfy its obligation through the use of model resources developed by an organization of school boards of which the school board is a member.

(2) The information provided under subsection (1) must include, at a minimum, the following educational and extracurricular opportunities:

(a) evaluation and identification of children with disabilities and special education programs beginning at age 3 pursuant to 20-7-411;

(b) admission to a school of a district beginning at age 5 pursuant to 20-5-101, and the option to enroll a child in a half-time kindergarten program pursuant to 20-7-117;

(c) proficiency-based learning and other forms of personalized learning pursuant to 20-7-1601, including options for obtaining course equivalency and course waiver determinations from the board of trustees pursuant to 20-3-324(18);

(d) participation in extracurricular activities, including participation by nonpublic and home school students pursuant to 20-5-112;

(e) access to remote instruction, including through the Montana digital academy pursuant to Title 20, chapter 7, part 12, and through other school districts as provided in 20-7-118;

(f) out-of-district attendance pursuant to Title 20, chapter 5, part 3;

(g) availability of funding to support student access to advanced opportunities, if applicable to a district pursuant to 20-7-1506;

(h) career and technical education pursuant to Title 20, chapter 7, part 3, including the attainment of industry-recognized credentials and work-based learning, pursuant to 20-7-1510;

(i) early college, dual enrollment, and running start opportunities, pursuant to 20-9-706; and

(j) other opportunities for school-age children through Montana public schools that:

(i) support the development of a child's full educational potential;

(ii) assist in reducing the costs of postsecondary education and workforce preparation; and

(iii) foster life success.

(3) The legislature intends that boards of trustees and organizations of boards of trustees communicate and collaborate with the education interim committee to demonstrate the implementation of the requirements of this section and to identify additional opportunities following legislative sessions.

Section 4. Section 20-5-103, MCA, is amended to read:

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

- (a) the child's 16th birthday; or
- (b) the date ~~of completion of the work of the~~ the child completes 8th grade.
- (2) The provisions of subsection (1) do not apply in the following cases:
 - (a) The child has been excused under one of the conditions specified in 20-5-102.
 - (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
 - (c) The child has been suspended or expelled under the provisions of 20-5-202.
 - (d) The child is excused pursuant to 20-7-120.
 - (e) The child is excused pursuant to 40-6-701(1) or [section 1(1)(d)]."

Section 5. Section 25-1-202, MCA, is amended to read:

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

- (a) a fee of \$20; and
- (b) if the action is brought pursuant to 40-6-701, in addition to the fee required under subsection (1)(a), a fee of ~~\$5~~ \$6.

(2) The fees must be forwarded by the clerk to the department of revenue for deposit in the state general fund. The prevailing party may have the amount paid by the prevailing party taxed in the bill of costs as

proper disbursements."

Section 6. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 40, chapter 6, part 7, and the provisions of Title 40, chapter 6, part 7, apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [section 3].

Section 7. Coordination instruction. (1) If House Bill No. 352 is passed and approved, then [section 3(2) of this act] is amended to insert:

"(b) early literacy targeted interventions pursuant to [sections 1 through 4 of House Bill No. 352];"

(2) If House Bill No. 396 is passed and approved, then [section 3(2) of this act] is amended to insert:

"(c) part-time enrollment of a student who is otherwise enrolled at a nonpublic or home school pursuant to 20-5-101;"

Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1 through 6] are effective July 1, 2023.

- END -

I hereby certify that the within bill,
SB 518, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 518

INTRODUCED BY T. MANZELLA, K. REGIER, C. GLIMM, G. HERTZ, D. LENZ, B. BROWN, F. MANDEVILLE,
M. NOLAND, S. HINEBAUCH, B. USHER, B. BEARD, J. FULLER, B. PHALEN, C. HINKLE, S. VANCE

AN ACT GENERALLY REVISING LAWS INVOLVING PARENTAL RIGHTS; PROVIDING FOR PARENT INVOLVEMENT IN EDUCATION; PROVIDING THAT PARENTS MAY WITHDRAW THEIR CHILD FROM CERTAIN SCHOOL INSTRUCTION, INCLUDING FOR RELIGIOUS PURPOSES; REQUIRING SCHOOL DISTRICTS TO PROVIDE INFORMATION TO PARENTS ABOUT THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO CHILDREN OF THE DISTRICT; ESTABLISHING ADDITIONAL PARENTAL RIGHTS AND RESPONSIBILITIES; PROVIDING THAT, WITH CERTAIN EXCEPTIONS, EMPLOYEES OF GOVERNMENTAL ENTITIES ARE PROHIBITED FROM WITHHOLDING CERTAIN INFORMATION FROM PARENTS; INCREASING A FILING FEE; AMENDING SECTIONS 20-5-103 AND 25-1-202, MCA; AND PROVIDING EFFECTIVE DATES.