

Policy 2335F2 - Human Sexuality 48 Hour Notice
For Unanticipated Introduction of Human Sexuality Instruction Not Addressed in Annual Notice

Dear Parent/Guardian,

The _____ School District is providing a notice that is required under the provisions of Senate Bill 99, which the 2021 Legislature passed, and Governor Gianforte signed into law. The operative section of law governing this notice is Section 20-7-120, MCA which provides 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 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.
- (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 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.

This notice is being provided to inform you of human sexuality instruction that was not specifically addressed in the annual notification you previously received. The law states if the school is 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, the school shall provide parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.

Notice of Your Rights:

This notice is intended to inform parents that the following course or event is going to provide instruction or information on human sexuality: _____.

The nature of the instruction or information is as follows: _____

As a parent/guardian of a student, you have the right to refuse to allow your child to attend or withdraw your child from the above-noted 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 Section 20-5-103, MCA.

You can opt your child out of human sexuality instruction by providing the school district written notice by completing, signing, and submitting the attached form prior to the date identified in the above-notice.

**Human Sexuality Instruction Opt-Out Form
48 Hours Advance Notice of Course or Event**

A family who does not want their student to receive human sexuality instruction for a newly introduced curriculum, material, or event not previously addressed in the provided annual notice at school may request to opt out of such instruction by completing this form.

I, _____, Parent or Guardian of, _____ a student enrolled at _____ School District, request my student not receive human sexuality instruction during _____ a course or event to be held on _____. This request will be handled in a manner consistent with the unexcused absence methods identified by the School District as specified in Section 20-5-103, MCA.

I understand my student will not attend any courses, special events, student assemblies where human sexuality instruction occurs. I also understand my student will not receive any services from school district staff regarding human sexuality instruction that may include but are not limited to individual services from teachers, librarians, nurses, or counselors that may related to human sexuality. A student seeking such services will be redirected to the parent in accordance with the decision noted on this form.

I acknowledge I have received notification of my rights in this area under Section 20-7-120, MCA, and have been provided an opportunity to review related information and materials on this topic.

I may withdraw this opt out in writing at any time.

Parent

Date

Received by:

School Official

Date