

Policy 2335F1 - Human Sexuality Instruction Annual Notice

Dear Parent/Guardian,

The Bigfork 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 comprehensively and in advance of the school year, also well in advance of the minimum notice of 48 hours prior to instruction to ensure full transparency and to provide a parent/guardian the right to opt their child out of "human sexuality instruction" as defined in (6) of the law above.

Courses and Related Activities Where the Topic of Human Sexuality Instruction Could Arise:

The district has four categories of activities that involve human sexuality instruction as defined in the law.

1. **Health Enhancement Curriculum:** The first category consists of designated courses involving human sexuality instruction that are part of our health curriculum. Although none of these courses are exclusively devoted to human sexuality instruction, the topic of human sexuality does arise in the typical course delivery at various times.
 - a. Health, 6-12

2. **Other Courses:** The second category consists of other courses where topics related to or involving human sexuality instruction arise incidentally through addressing topics germane to the course and consistent with accreditation standards. These courses include but are not limited to science and literature.
 - a. English/Reading, 6-12
 - b. History 10-12, including Government
 - c. Social Studies, 7-8
 - d. Science, 6-12
3. **Other Services Provided by Designated Staff:** The third category consists of student-initiated inquiries of school district staff that, in order to address, may involve human sexuality as defined in law. Typical staff involved in these interactions include but are not limited to librarians, counselors, and school nurses. Inquiries will be addressed on an age-appropriate basis using the professional judgment of licensed, certified, or otherwise authorized school personnel.
4. **Special Events and Student Assemblies:** The fourth category consists of special events and student assemblies periodically scheduled that touch on topics of student health and which may involve incidental mention of topics related to human sexuality instruction as defined in the law. The following are dates and times when such assemblies are scheduled during the upcoming school year:
 - a. Growth and Development, Flathead County Health Department, 5th Grade

Notice of Your Rights:

As a parent/guardian of a student, you have the right to refuse to allow your child to attend or withdraw your 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 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.

Links to Materials:

The following link will provide you access to the following:

1. The basic content of the district's or school's human sexuality instruction; and
2. All curriculum materials used in the district's human sexuality instruction.

Human Sexuality Instruction Opt-Out Form
For _____ School Year

A family who does not want their student to receive human sexuality instruction 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 for the duration of the _____ school year in a manner consistent with the excused 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 anytime.

Parent

Date

Received by:

School Official

Date