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3 **INSTRUCTION**

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5 Health Enhancement

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7 Health, family life, and sex education, including information about parts of the body, reproduction, and  
8 related topics, will be included in the instructional program as appropriate to grade level and course of  
9 study. An instructional approach will be developed after consultation with parents and other community  
10 representatives. Parents and guardians may ask to review materials to be used and may request that their  
11 child be excluded from human sexuality education or instruction class sessions without prejudice in  
12 accordance with Policy 3120. The District will notify parents and guardians 48 hours prior to any event,  
13 assembly, or introduction of materials for instructional use on the topic of human sexuality. Notification  
14 of parent or guardian rights under this policy will be issued on an annual basis.  
15

16 For purposes of this Policy, "human sexuality education or instruction" means teaching or otherwise  
17 providing information about human sexuality, including intimate relationships, human sexual anatomy,  
18 sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity,  
19 abstinence, contraception, or reproductive rights and responsibilities.  
20

21 AIDS Education and Prevention

22  
23 The Board believes HIV/AIDS and other STD/STI instruction is most effective when integrated into a  
24 comprehensive health education program. Instruction must be appropriate to grade level and  
25 development of students and must occur in a systematic manner. The Board particularly desires that  
26 students receive proper education about HIV and other STD/STI's, before they reach the age when they  
27 may adopt behaviors which put them at risk of contracting the disease.  
28

29 In order for education about HIV and other STD/STI's to be most effective, the Superintendent will  
30 require that faculty members who present this instruction receive continuing in-service training which  
31 includes appropriate teaching strategies and techniques. Other staff members not involved in direct  
32 instruction, but who have contact with students, will receive basic information about HIV/AIDS and other  
33 STD/STI's and instruction in use of universal precautions when dealing with body fluids. In accordance  
34 with Board policy, parents will have an opportunity to review the HIV/STD/STI education program,  
35 before it is presented to students.  
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37 Cross Reference: Policy 3120 – Compulsory Attendance  
38 Policy 2332 – Student and Family Privacy Rights  
39 Policy 2158 – Family Engagement  
40

41 Legal Reference: §§ 50-16-1001, et seq., MCA AIDS Education and Prevention (AIDS  
42 Prevention Act)  
43 § 20-7-120, MCA Excused Absences from Curriculum  
44 Requirements

45 Policy History:

46 First reading on: 11/15/22

47 **Second reading and Adopted on: 12/14/22**

## 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, 5<sup>th</sup> 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 Seciton 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

**Policy 2335F2 - Human Sexuality 48 Hour Notice  
For Unanticipated Introduction of Human Sexuality Instruction Not Addressed in 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 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 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 any time.

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Date

**Received by:**

\_\_\_\_\_  
School Official

\_\_\_\_\_  
Date