

House Bill 456
Sponsor: Cary Smith
2011 Legislative Session

**AN ACT ALLOWING FOR PARENTAL CONTROL OVER STUDENT
PARTICIPATION
IN COURSES INVOLVING HUMAN SEXUAL EDUCATION.**

What the Bill Does:

1. Requires schools to notify parents when events or instruction regarding human sexuality will be held at the school.
2. Allows parents to control what their children are taught with regards to human sexuality.
3. Requires parental permission for students to attend these classes or events.
4. Requires schools to make Sex Ed. Curricula available for public inspection.
5. Prohibits abortion providers from teaching sex education in the schools.

History:

1. The Montana Legislature killed bills in the 2007 and 2009 legislative sessions that would have promoted sex education beginning in kindergarten.
2. In 2010, The Helena school board voted to begin teaching comprehensive sex education beginning in kindergarten.
3. They teach the anatomically correct names of reproductive body parts in kindergarten, homosexuality by the first grade, and oral and anal sex by the 5th grade. They insist this is “age appropriate”.
4. Public outcry was so great that parents demanded that they be able to opt their children out of sex ed. classes. Helena allowed this, but school districts don’t have to.
5. Documents show that NARAL, Planned Parenthood and SIECUS are targeting other school districts for implementation of this curriculum.
6. Case law is such that if a district does not allow parents to opt their children out of these classes, and a state has no opt out law, then parents really have no recourse.
 - a. Hot, Sexy and Safer Productions, Massachusetts, 1995
 - b. Field v. Palmdale, California 2005

*In both of these cases the court ruled that in the absence of a state opt-out mechanism, the ability of parents to direct what their children will be taught ends at the threshold of the schoolhouse door.

What the bill does not do.

1. Does not usurp local control. Districts can still implement whatever curriculum they choose.
2. Does not cost anything. Schools already require parental permission for field trips, sporting events and some movies.