

HOUSE No. 1063**The Commonwealth of Massachusetts**

PRESENTED BY:

James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to healthy youth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|------------------------|------------------|
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>1/20/2011</i> |
| <i>Katherine M. Clark</i> | <i>Fifth Middlesex</i> | <i>1/25/2011</i> |
| <i>Alice K. Wolf</i> | <i>25th Middlesex</i> | <i>1/28/2011</i> |
| <i>Jason M. Lewis</i> | <i>31st Middlesex</i> | <i>1/28/2011</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/28/2011</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | <i>1/28/2011</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>1/28/2011</i> |
| <i>William N. Brownsberger</i> | | <i>2/1/2011</i> |
| <i>Linda Dorcena Forry</i> | <i>12th Suffolk</i> | <i>2/1/2011</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> | <i>2/1/2011</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>2/1/2011</i> |
| <i>Thomas P. Conroy</i> | <i>13th Middlesex</i> | <i>2/1/2011</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> | <i>2/1/2011</i> |
| <i>Ruth B. Balser</i> | <i>12th Middlesex</i> | <i>2/1/2011</i> |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | <i>2/3/2011</i> |
| <i>Martha M. Walz</i> | <i>8th Suffolk</i> | <i>2/3/2011</i> |
| <i>Timothy J. Toomey, Jr.</i> | <i>26th Middlesex</i> | <i>2/3/2011</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> | <i>2/3/2011</i> |

| | | |
|-------------------------------|-----------------------|-----------------|
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> | <i>2/3/2011</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> | <i>2/3/2011</i> |
| <i>Stephen Kulik</i> | <i>1st Franklin</i> | <i>2/3/2011</i> |
| <i>George T. Ross</i> | <i>2nd Bristol</i> | <i>2/3/2011</i> |
| <i>Carl M. Sciortino, Jr.</i> | <i>34th Middlesex</i> | <i>2/3/2011</i> |
| <i>Carlos Henriquez</i> | <i>5th Suffolk</i> | <i>2/3/2011</i> |
| <i>Harriette L. Chandler</i> | | <i>2/3/2011</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>2/3/2011</i> |
| <i>Christine E. Canavan</i> | <i>10th Plymouth</i> | <i>2/3/2011</i> |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> | <i>2/3/2011</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>2/3/2011</i> |
| <i>James B. Eldridge</i> | | <i>2/3/2011</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/4/2011</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | <i>2/4/2011</i> |
| <i>Cleon H. Turner</i> | <i>1st Barnstable</i> | <i>2/4/2011</i> |
| <i>Sheila C. Harrington</i> | <i>1st Middlesex</i> | <i>2/4/2011</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> | <i>2/4/2011</i> |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> | <i>2/4/2011</i> |
| <i>Aaron Michlewitz</i> | <i>3rd Suffolk</i> | <i>2/4/2011</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/4/2011</i> |
| <i>Kathi-Anne Reinstein</i> | <i>16th Suffolk</i> | <i>2/4/2011</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>2/4/2011</i> |
| <i>Michael O. Moore</i> | | <i>2/4/2011</i> |

HOUSE No. 1063

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1063) of James J. O'Day and others relative to age appropriate sexual health education. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to healthy youth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws, as appearing in the 2008 Official Edition,
2 is hereby amended by inserting after Section 32A the following:—

3 Section 32B. (1) For the purposes of this Act, the following terms shall have the
4 following meanings:

5 “Age-appropriate” means topics, messages, and teaching methods suitable to particular
6 ages or age groups of children and adolescents, based on developing cognitive, emotional, and
7 behavioral capacity typical for the age or age group.

8
9 “Department” means the Department of Elementary and Secondary Education.

10 “Medically accurate” means supported by peer-reviewed research conducted in
11 compliance with accepted scientific methods, and recognized as accurate and objective by

leading medical, psychological, psychiatric, and public health organizations and agencies, and, where relevant, published in peer-reviewed journals.

(2) Each school district or public school that offers sexual health education shall provide medically accurate, age-appropriate education.

Sexual health education under this section shall: teach the benefits of abstinence and delaying sexual activity; stress the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS; teach students the skills to effectively negotiate and implement safer sexual activity; help students develop the relationship and communication skills to form healthy, respectful relationships free of violence, coercion, and intimidation and make healthy decisions about relationships and sexuality; and be appropriate for students regardless of gender, race, disability status, or sexual orientation.

No speaker, program, curriculum, or materials used by a public school to provide instruction regarding sexual health shall conflict with the standards set out in this section, and information about abstinence may not be provided separate from information on contraceptives and disease prevention.

(3) Sexual health education must be consistent with the Massachusetts comprehensive health curriculum framework developed by the department.

The commissioner of education shall develop a list of sexual health education curricula that are consistent with this section and the comprehensive health curriculum framework. This list shall be intended to serve as a resource for schools, teachers, or any other organization or community group, and shall be updated annually and made available on the department web site.

Any school district or public school that utilizes these curricula in a manner consistent with section 32B(2) shall be presumed to be in compliance with this section.

(4) The department shall establish a procedure, to be described on its website, to enable any parent or guardian with a child enrolled in a school district, or any student enrolled in a school district, to bring to the attention of the department any sexual health curriculum or program which the individual believes is inconsistent with the requirements of this act. The commissioner shall assess any such curriculum or program and provide guidance and training to the school district to address identified inconsistencies and report back to the complaining individual within 60 days.

(5) Nothing in this section shall be construed to limit the ability of parents to exempt their children from instruction which primarily involves human sexual education or human sexuality issues under the provisions of section 32A of this chapter.

SECTION 2. Section 1I of Chapter 69 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the following:—

Each school district and Commonwealth charter school shall file a report regarding sexual health education in the district with the department every year by a date and in a format determined by the board. Said report shall include, but not be limited to, the following data for each public school and Commonwealth charter school, by grade level:

- (a) a description of any sexual health education curricula or programs offered;
- (b) the approximate number of hours spent on sexual health education;
- (c) the number of students receiving sexual health education; and

55 (d) the number of students who opt-out of sexual health education under the
56 provisions of section 32A of chapter 71.