

SENATE No. 263

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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: | |
|--------------------------------|--|------------------|
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | <i>1/25/2019</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | <i>1/24/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>1/24/2019</i> |
| <i>Paul R. Feeney</i> | <i>Bristol and Norfolk</i> | <i>1/24/2019</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>1/24/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/24/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>1/25/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>1/17/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/16/2019</i> |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> | <i>1/24/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/24/2019</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>1/24/2019</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/24/2019</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> | <i>1/25/2019</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>1/29/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/29/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>1/29/2019</i> |

| | | |
|-------------------------------|---|-------------------|
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/29/2019</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/29/2019</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>1/29/2019</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>1/29/2019</i> |
| <i>Diana DiZoglio</i> | <i>First Essex</i> | <i>1/30/2019</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | <i>1/30/2019</i> |
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | <i>1/30/2019</i> |
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> | <i>1/30/2019</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>1/30/2019</i> |
| <i>James T. Welch</i> | <i>Hampden</i> | <i>1/30/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/30/2019</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | <i>1/30/2019</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>1/30/2019</i> |
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | <i>1/30/2019</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | <i>1/31/2019</i> |
| <i>Barry R. Finegold</i> | <i>Second Essex and Middlesex</i> | <i>1/31/2019</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>1/31/2019</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>2/1/2019</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | <i>2/1/2019</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>2/1/2019</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>2/1/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/8/2019</i> |
| <i>Cynthia Stone Creem</i> | <i>First Middlesex and Norfolk</i> | <i>2/11/2019</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> | <i>4/3/2019</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>10/29/2019</i> |

SENATE No. 263

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 263) of Sal N. DiDomenico, Harriette L. Chandler, Sonia Chang-Diaz, Michael O. Moore and other members of the General Court for legislation relative to student sex education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 234 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 2016 Official Edition,
2 is hereby amended by striking out Section 32A and inserting in place thereof the following
3 sections:-

4 Section 32A. Every city, town, regional school district, vocational school district or
5 charter school implementing or maintaining a curriculum that primarily involves human sexual
6 education or human sexuality issues shall adopt a written policy ensuring parental or legal
7 guardian notification of the comprehensive sexual health education provided by the school, the
8 right of the parent or legal guardian to withdraw a student from all or part of the instruction, and
9 the notification process to the school for withdrawal. The policy shall also include a process for

10 parents and legal guardians to inspect the program instruction materials prior to the start of the
11 course, if the parent or legal guardian requests to review the materials.

12 To the extent possible, such notification shall be provided in English and in other
13 commonly spoken languages spoken by parents and guardians. Annually, no later than
14 September 1, the policy shall be distributed to parents or guardians of a student in a grade that
15 includes a comprehensive sexual health education curriculum during the upcoming academic
16 year; provided, however, that parents or guardians shall not have less than 30 days notification
17 prior to the start of such instruction. The policy shall be distributed in the same manner as any
18 student handbook that is distributed to students. If student handbooks are not distributed in a
19 certain grade, the policy shall be distributed in the same manner as other notices provided to
20 parents and guardians at the start of the school year. Upon adoption or amendment, a copy of
21 each district’s policy, including the name of the comprehensive sexual health education
22 curriculum being used, shall be sent to the department of elementary and secondary education.

23 If a parent or guardian withdraws a student from all or part of the comprehensive sexual
24 health education curriculum, the student shall not be subject to disciplinary action, academic
25 penalty or any other sanction. An alternative educational activity shall be made available to
26 students who have been withdrawn from instruction.

27 Section 32B. (a) For the purposes of this section, the following terms shall, unless the
28 context clearly requires otherwise, have the following meanings:

29 “Age-appropriate”, topics, messages, and teaching methods suitable to particular ages or
30 age groups of children and adolescents, based on developing cognitive, emotional, social, and
31 behavioral capacity typical for that age or age group.

32 “Consent”, affirmative, conscious, and voluntary agreement to engage in interpersonal,
33 physical, or sexual activity.

34 “Department”, the department of elementary and secondary education.

35 “Gender Identity”, a person's gender-related identity, appearance or behavior, whether or
36 not that gender-related identity, appearance or behavior is different from that traditionally
37 associated with the person's physiology or assigned sex at birth.

38 “Medically accurate”, supported by peer-reviewed research conducted in compliance
39 with accepted scientific methods and recognized as accurate and objective by leading medical,
40 psychological, psychiatric and public health organizations and agencies and, if relevant,
41 published in peer-reviewed journals.

42 “Sexual Orientation”, an individual’s attraction, including physical or emotional, to the
43 same and/or different genders.

44 (b) Each city, town, regional school district, vocational school district, or charter school
45 that offers sexual health education shall utilize a research-informed curriculum that offers
46 medically accurate, age-appropriate, comprehensive sexual health education. Sexual health
47 education shall be appropriate for students regardless of gender, race, disability status, sexual
48 orientation, or gender identity and shall include, but not be limited to, teaching: (i) physical,
49 social, and emotional changes of human development; (ii) human anatomy, reproduction, and
50 sexual development; (iii) the benefits of abstinence and delaying sexual activity and the
51 prevention sexually transmitted infections, including HIV/AIDS, and unintended pregnancy,
52 including the effective use of contraceptives and barrier methods and the options for pregnancy,
53 including parenting, adoption, and abortion; (iv) ways to effectively discuss safe sexual activity;

54 (v) relationship and communication skills to form healthy, respectful relationships free of
55 violence, coercion, and intimidation and to make healthy decisions about relationships and
56 sexuality, including affirmative and voluntary consent to engage in physical or sexual activity,
57 and skills to recognize and prevent dating violence; and (vi) age-appropriate information about
58 gender identity and sexual orientation for all students, including affirmative recognition that
59 people have different sexual orientations, gender identities, and gender expressions, and
60 information about resources that offer support for lesbian, gay, bisexual, transgender, queer and
61 questioning students. Comprehensive sexual health education shall incorporate opportunities for
62 students to analyze societal and media messages.

63 (c) Any city, town, regional school district, vocational school district or charter school
64 that utilizes curricula consistent with the Massachusetts curriculum framework for
65 comprehensive health shall comply with this section.

66 (d) The department shall promulgate rules to implement, administer, and ensure
67 compliance with the provisions of this section.

68 (e) The department may determine minimum education and training qualifications for sex
69 education instructors.

70 (f) Pursuant Section 1E of Chapter 69, the board of elementary and secondary education
71 shall direct the commissioner to update the health curriculum framework, including provisions
72 relative to sexual health education consistent with this section, upon the effective date of this act
73 and periodically thereafter.

74 32C. (a) The department may promulgate regulations setting forth a complaint procedure
75 to enforce this Act, subject to subsection (b). A final determination of a complaint by the
76 department shall be appealable to the Massachusetts Superior Court.

77 (b) Any parent or guardian with a child enrolled in a city, town, regional school district,
78 vocational school district, or charter school, or any student having legal capacity enrolled in such
79 a school or school district, who believes the school district is not complying with the
80 requirements of Section 32B may enforce the provisions of Section 32B of this chapter in
81 superior court.

82 SECTION 2. Section 1I of Chapter 69 of the General Laws, as so appearing, is hereby
83 amended by inserting after the last paragraph the following:- Beginning the first academic year
84 following the effective date of this act, each city, town, regional school district, vocational school
85 district, or charter school shall file an annual report with the department regarding sexual health
86 education in the district by a date and in a format to be determined by the board. Said report
87 shall include, but not be limited to, the following data for each city, town, regional school
88 district, vocational school district, or charter school, by grade level: (1) the name and a
89 description of any sexual health education curricula offered; (2) the approximate number of
90 hours spent on sexual health education; (3) the number of students receiving sexual health
91 education; and (4) the number of students who withdrew from sexual health education, pursuant
92 to Section 32A.

93 SECTION 3. This act shall take effect for the academic year immediately following its
94 passage.