

HOUSE No. 3434

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to providing health education in schools..

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. Section 1D of chapter 69 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after the word “languages”, in line 6, the
3 words:— , health education.

4 SECTION 2. Paragraph 3 of said section 1D of said chapter 69, as so appearing, is
5 hereby further amended by striking out the fourth sentence and inserting in place thereof the
6 following sentence:— The standards for health education shall be age-appropriate, medically
7 accurate and shall, at minimum, provide for instruction in the following areas: growth and
8 physical development, physical activity and fitness, nutrition, reproduction and sexuality, mental
9 health, family life, interpersonal relationships, disease prevention and control, safety and injury
10 prevention, tobacco, alcohol, and other substance use and abuse prevention, consumer health and
11 resource management, ecological health, and community and public health.

12 SECTION 3. Paragraph 14 of said section 1I of said chapter 69, as so appearing, is
13 hereby amended by adding the following clause:— (I) health education.

14 SECTION 4. The commissioner of education shall submit a report on the provision of
15 health education by school districts to the joint committee on education, the clerk of the house
16 and the clerk of the senate no later than January 1, 2010. The report shall include the following
17 data for each public school in the Commonwealth: health education requirements by grade level;
18 health education curriculum offered by grade level; the number of students who receive health
19 education by grade level, the number of students who opt-out of any portion of the health
20 education curriculum involving human sexual education or human sexuality issues; and
21 approximate number of hours spent on each of the categories in the curriculum frameworks listed
22 in Section 2 of this bill by grade level.

23 SECTION 5. Consistent with the provisions of said section 1E of said chapter 69, the
24 Massachusetts Comprehensive Health Curriculum Framework shall be construed as a guide for
25 local school districts in the development and selection of curriculum, textbooks and instructional
26 materials.

27 SECTION 6. Consistent with the provisions of section 32A of chapter 71, every city,
28 town, regional school district or vocational school district implementing or maintaining
29 curriculum which primarily involves human sexual education or human sexuality issues shall
30 adopt a policy ensuring parental/guardian notification. Such policy shall afford parents or
31 guardians the flexibility to exempt their children from any portion of said curriculum through
32 written notification to the school principal. No child so exempted shall be penalized by reason of
33 such exemption. To the extent practicable, program instruction materials for said curriculum
34 shall be made reasonably accessible to parents, guardians, educators, school administrators, and
35 others for inspection and review.

36 SECTION 7. Nothing in this act shall be construed to require an MCAS exam on health
37 education.

38 SECTION 8 The Foundation Budget must be re-evaluated in the categories of (1)
39 Classroom and Specialist Teachers, (2) Instructional Equipment, and (3) Professional
40 Development to ensure sufficient funding to provide the Health Education envisioned in the
41 Frameworks and Section 2 above.

42 SECTION 9. This act shall take effect on July 1, 2009.