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HOUSE . . . . . No. 406

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Regarding Parental Notification and Consent..

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

SECTION 1. Chapter 71, Section 32A of the General Laws is hereby amended, and Section 32B added, to be the following:

Section 32A. Parental Notification and Consent.

A. Definitions. As used in this section –

1. The term "alternative sexual behavior" means homosexuality, bisexuality, lesbianism, transsexuality, transgenderism, cross-dressing, pansexuality, promiscuity, sodomy, pederasty, prostitution, oral sex, anal sex, masturbation, polygamy, polyandry, sex re-assignment treatments, "bondage and discipline", sado-masochism, bestiality, and similar behaviors. It also includes issues and relationships deriving from those behaviors, including but not limited to "sexual orientation", and alternative family, parenting, and marriage constructs.

2. The term "school program" means any school sanctioned activity, or portion thereof, whether on or off campus, whether during or outside school hours, whether organized, presented or directed by school employees, agents of the school, students, volunteers, or others. This shall

include, but not be limited to classes, curriculum, assemblies, outside speakers, workshops, clubs, exhibits, private or non-private counseling sessions, ‘teachable moments’, reading assignments, videos, posters, displays, and handouts. It shall not include spontaneous student-initiated conversations among themselves.

B. Requirements for parental notification and consent.

Every city, town, regional school district or vocational school district presenting, implementing, or maintaining a school program which involves human sexual education, human sexuality issues or alternative sexual behavior shall adopt and implement a written policy ensuring parental/guardian notification of such school programs and a description of their content.

All such school programs shall be offered only in clearly identified non-mandatory elective courses or activities in which parents or guardians may choose to enroll their children through written notification to the school, in a manner reasonably similar to other elective courses or activities offered by the school district.

To the extent practicable, instruction materials and related items for said school programs, including access to related extra-curricular events, shall be made reasonably available to parents, guardians, educators, school administrators, and others for inspection and review.

No public school teacher or administrator shall be required to participate in any such school programs that violate his religious beliefs.

Section 32B. Surveys regarding personal or private issues.

No student in any public elementary or secondary school shall be requested or required to submit to a survey, analysis, or evaluation that reveals information concerning: (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or his family; (3) sexual behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) feelings of victimization; (6) suicide or self-abuse; (7) birth control or abortion; (8) critical appraisals of other individuals with whom respondents have close family relationships; (9) legally recognized privileged or analogous relationships, such as those with lawyers, physicians and ministers; or (10) income without the prior written consent of the parent or guardian.

All such surveys, analyses, and evaluations shall be made reasonably accessible to parents, guardians, educators, school administrators, and others for inspection and review.