SENATE DOCKET, NO. 1469 FILED ON: 1/14/2009

SENATE . . . . . No. 218

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act 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:

SECTION 1. Section 1D of chapter 69 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word “languages”, in line 6, the words:— , health education.

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

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

SECTION 4. The commissioner of education shall submit a report on the provision of health education by school districts to the joint committee on education, the clerk of the house and the clerk of the senate no later than July 1, 2009. The report shall include the following data for each public school in the Commonwealth: health education requirements by grade level; health education curriculum offered by grade level; the number of students who receive health education by grade level, the number of students who opt-out of any portion of the health education curriculum involving human sexual education or human sexuality issues; and approximate number of hours spent on each of the categories in the curriculum frameworks listed in Section 2 of this bill by grade level.

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

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

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

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

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