

HOUSE No. 450

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>1/10/2013</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>Carlo Basile</i>	<i>1st Suffolk</i>	
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	
<i>Ellen Story</i>	<i>3rd Hampshire</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	

<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>

HOUSE No. 450

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 450) of James J. O'Day and others relative to age-appropriate sexual health education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1063 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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

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

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

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

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

30 The commissioner of education shall develop a list of sexual health education curricula
31 that are consistent with this section and the comprehensive health curriculum framework. This
32 list shall be intended to serve as a resource for schools, teachers, or any other organization or
33 community group, and shall be updated annually and made available on the department web site.
34 Any school district or public school that utilizes these curricula in a manner consistent with
35 section 32B(2) shall be presumed to be in compliance with this section.

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

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

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

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

- 52 (a) a description of any sexual health education curricula or programs offered;
- 53 (b) the approximate number of hours spent on sexual health education;
- 54 (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.