SENATE . . . . . No. 2013

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, September 17, 2015

The committee on Education to whom was referred the petitions (accompanied by bill, Senate, No. 248) of Harriette L. Chandler, Mary S. Keefe and Danielle W. Gregoire for legislation to provide health education in schools; and (accompanied by bill, Senate, No. 265) of Sal N. DiDomenico, Jason M. Lewis, Paul R. Heroux, Stephen Kulik and other members of the General Court for legislation relative to student sex education,- reports the accompanying bill (Senate, No. 2013).

For the committee,
Sonia Chang-Diaz

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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:

SECTION 1. Chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after Section 32A the following:—

Section 32B. (1) For the purposes of this Act, the following terms shall have the following meanings:

"Age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group;

"Department" means the Department of Elementary and Secondary Education;

"Medically accurate" means supported by peer-reviewed research conducted in compliance with accepted scientific methods, and recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and, where relevant, published in peer-reviewed journals.

(2) Each school district or public school that offers sexual health education shall provide medically accurate, age-appropriate education. Sexual health education under this section shall: teach the benefits of abstinence and delaying sexual activity in conjunction with the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS; teach students the skills to effectively negotiate and implement safer sexual activity; help students develop the relationship and communication skills to form healthy, respectful relationships free of violence, coercion, and intimidation and make healthy decisions about relationships and sexuality; and be appropriate for students regardless of gender, race, disability status, or sexual orientation.

(3) Any school district or public school that utilizes the curricula consistent with the Massachusetts comprehensive health curriculum framework shall be presumed to be in compliance with this section.

SECTION 2. Said Chapter 71 is hereby amended by striking out said section 32A in its entirety and inserting in place thereof the following section:-

Section 32A. 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 written policy ensuring parental or legal guardian notification of the comprehensive sexual health education that the school will provide and the right of the parent or legal guardian to withdraw his or her child from all or part of the instruction, and the process by which said withdrawal is communicated to the school. Said policy shall also provide a means by which parents and legal guardians may inspect the program instruction materials prior to the start of the course.

To the extent possible, such notification shall be provided in English and in the native language of the parents and legal guardians. Said policy must also be distributed by September 1 of each year to parents of students in those grades in which such curriculum will be taught during that academic year. Such policy shall be distributed in the same manner as that by which the student handbook is distributed to students. In grades for which student handbooks are not required, the policy must be distributed in the same manner as other notices provided to parents and guardians at the start of the school year. A copy of each district's policy must be sent to the department of elementary and secondary education after adoption.

Students whose parents or legal guardians have withdrawn them from all or part of sexual health instruction shall not be subject to disciplinary action, academic penalty, or other sanction. An alternative educational activity shall be made available to students whose parents have excused them from the instruction.