FILED ON: 11/19/2015

SENATE . . . . . No. 2062

Senate, November 18, 2015 -- Text of the Senate Bill relative to healthy youth (Senate, No. 2062) (being the text of Senate, No. 2048, printed as amended)

The Commonwealth of Massachusetts

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

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 is hereby amended by striking out section 32A and inserting in place thereof the following 2 sections:-

Section 32A. Every city, town, regional school district, vocational school district or charter school implementing or maintaining a curriculum that 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 provided by the school, the right of the parent or legal guardian to withdraw a student from all or part of the instruction and the notification process to the school for withdrawal. The policy shall also include a process for parents and legal guardians to inspect the program instruction materials prior to the start of the course, if the parent or legal guardian requests to review the materials.

To the extent possible, such notification shall be provided in English and in any other commonly spoken languages by parents and guardians. The policy shall annually be distributed

by September 1 to parents or guardians of a student in a grade that includes comprehensive sexual health education curriculum during the upcoming academic year; provided, however, that parents or guardians shall have not fewer than 30 days notification prior to the start of such instruction. The policy shall also be distributed in the same manner as any student handbook that is distributed to students. If student handbooks are not distributed in a certain grade, the policy shall be distributed in the same manner as other notices provided to parents and guardians at the start of the school year. Upon adoption or amendment, a copy of each district's policy shall be sent to the department of elementary and secondary education after adoption.

If a parent or guardian withdraws a student from all or part of sexual health instruction, the student shall not be subject to disciplinary action, academic penalty or any other sanction. An alternative educational activity shall be made available to students who have been withdrawn from instruction.

Section 32B. (a) For the purposes of this section, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

"Age-appropriate", 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", the department of elementary and secondary education.

"Medically accurate", 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, if relevant, published in peer-reviewed journals.

(b) Each city, town, regional school district, vocational school district or charter school that offers sexual health education shall provide medically accurate, age-appropriate sexual health education. Sexual health education shall be appropriate for students regardless of gender, race, disability status or sexual orientation and shall include, but not be limited to, teaching: (i) the benefits of abstinence and delaying sexual activity and the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS; (ii) ways to effectively discuss safe sexual activity; and (iii) relationship and communication skills to form healthy, respectful relationships free of violence, coercion and intimidation and to make healthy decisions about relationships and sexuality. Sexual health education shall also include teaching considerations relevant to becoming a parent.

(c) Any city, town, regional school district, vocational school district or charter school that utilizes curricula consistent with the Massachusetts curriculum framework for comprehensive health shall be in compliance with this section.

SECTION 2. The department of elementary and secondary education, in consultation with the advisory council for comprehensive health education and human service programs established under section 1G of chapter 15 of the General Laws, shall establish age-appropriate guidelines for child exploitation awareness education for students in grades 2 and above and may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types of child exploitation and (iii) creating awareness of warning signs of child exploitation, child abduction and child sexual abuse.

SECTION 3. This act shall take effect for the 2016-2017 school year.