

SENATE No. 2113

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

SENATE, July 13, 2017

The committee on Ways and Means to whom was referred the Senate Bill relative to the promotion of mental health education in Massachusetts high schools (Senate, No. 256),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2113)

For the committee,
Karen E. Spilka

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In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the promotion of mental health education in Massachusetts high schools.

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 is hereby amended by striking out section
2 32A, as appearing in the 2016 Official Edition, and inserting in place thereof the following 2
3 sections:-

4 Section 32A. Every city, town, regional school district, vocational school district or
5 charter school implementing or maintaining a curriculum that primarily involves human sexual
6 education or human sexuality issues shall adopt a written policy ensuring parental or legal
7 guardian notification of the comprehensive sexual health education curriculum provided by the
8 school, the right of the parent or legal guardian to withdraw a student from all or part of the
9 instruction and a clearly articulated notification process for withdrawal by a parent or legal
10 guardian to the school. The policy shall also include a process for parents and legal guardians to
11 inspect the program instruction materials before the start of the course, if the parent or legal
12 guardian requests to review the materials.

13 To the extent possible, such notification shall be provided in English and in other
14 commonly spoken languages by parents and guardians. Annually, not later than September 1, the

15 policy shall be distributed to parents or guardians of a student in a grade that includes
16 comprehensive sexual health education curriculum during the upcoming academic year. The
17 policy shall be distributed in the same manner as a student handbook that is distributed to
18 students. If student handbooks are not distributed in a certain grade, the policy shall be
19 distributed in the same manner as other notices provided to parents and guardians at the start of
20 the school year. Upon adoption or amendment, a copy of each district's policy shall be sent to
21 the department of elementary and secondary education.

22 If a parent or guardian withdraws a student from all or part of the comprehensive sexual
23 health education curriculum, the student shall not be subject to disciplinary action, academic
24 penalty or any other sanction. An alternative educational activity shall be made available to a
25 student who has been withdrawn from instruction.

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

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

31 "Department", the department of elementary and secondary education.

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

36 (b) Each city, town, regional school district, vocational school district or charter school that
37 offers a comprehensive sexual health education curriculum shall provide medically accurate, age-
38 appropriate sexual health education. Sexual health education shall be appropriate for students regardless
39 of gender, race, disability status, sexual orientation or gender identity and shall include, but not be
40 limited to, teaching: (i) physical, social and emotional changes of human development; (ii) human
41 anatomy, reproduction and sexual development; (iii) the benefits of abstinence and delaying sexual
42 activity and the importance of effectively using contraceptives and barrier methods to prevent
43 unintended pregnancy and sexually transmitted infections, including HIV/AIDS; (iv) ways to effectively
44 discuss safe sexual activity; (v) relationship and communication skills to form healthy, respectful
45 relationships free of violence, coercion and intimidation and to make healthy decisions about
46 relationships and sexuality; and (vi) age-appropriate information about gender identity and sexual
47 orientation for all students, including affirmative recognition that people have different sexual
48 orientations, gender identities and gender expressions and information about resources that offer support
49 for lesbian, gay, bisexual, transgender, queer and questioning students. Sexual health education may
50 incorporate opportunities for students to analyze societal and media messages.

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

54 (d) The department may promulgate rules to implement, administer and ensure
55 compliance with this section.

56 SECTION 2. Pursuant to section 1E of chapter 69 of the General Laws, the board of
57 elementary and secondary education shall direct the commissioner to update the health

58 curriculum framework, including provisions relative to sexual health education, consistent with
59 this act.

60 SECTION 3. This act shall take effect for the 2018-2019 school year.