

SENATE No. 2128

Senate July 20, 2017, – Text of the Senate Bill relative to healthy youth (being the text of Senate document number 2113, printed as amended)

The Commonwealth of Massachusetts

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

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 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.

To the extent possible, such notification shall be provided in English and in other commonly spoken languages by parents and guardians. Annually, not later than September 1, the policy shall be distributed 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 less than 30 days notification prior to the start of such instruction. The policy shall be distributed in the same manner as a 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.

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 An alternative educational activity shall be made available to a student who has been withdrawn from instruction.

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

“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 a comprehensive sexual health education curriculum shall provide medically accurate, age-appropriate sexual health education. Sexual health education shall be appropriate for students regardless of gender, race, disability status, sexual orientation or gender identity and shall include, but not be limited to, teaching: (i) physical, social and emotional changes of human development; (ii) human anatomy, reproduction and sexual development; (iii) the benefits of abstinence and delaying sexual activity and the prevention of sexually transmitted diseases, including HIV/AIDS, and unintended pregnancy, including the effective use of contraceptives and barrier methods ; (iv) ways to effectively discuss safe sexual activity; (v) relationship and communication skills to form healthy, respectful relationships free of violence, coercion and intimidation and to make healthy decisions about relationships and sexuality, including affirmative and voluntary consent to engage in physical or sexual activity, and skills to recognize and prevent dating violence; and (vi) age-appropriate information about gender identity and sexual orientation for all students, including affirmative recognition that people have different sexual orientations, gender identities and gender expressions and information about resources that offer support for lesbian, gay, bisexual, transgender, queer and questioning students. Sexual health education shall incorporate opportunities for students to analyze societal and media messages. Sexual health education shall also include teaching considerations relevant to becoming a parent.

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

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

(e) The department may determine minimum education and training qualifications for sexual health education instructors.

(f) Pursuant to section 1E of chapter 69, the board of elementary and secondary education shall direct the commissioner to update the health curriculum framework, including provisions relative to sexual health education, consistent with this section, upon the effective date of this act and periodically thereafter.

SECTION 2. Pursuant to section 1E of chapter 69 of the General Laws, the board of elementary and secondary education shall direct the commissioner to update the health curriculum framework, including provisions relative to sexual health education, consistent with this act in advance of the 2018-2019 school year.

SECTION 2A. The department of elementary and secondary education, in consultation with the advisory council for comprehensive health education and human service programs established in section 1G of chapter 15 of the General Laws, shall establish age-appropriate guidelines for child exploitation awareness education for students in grades 2 to 12, inclusive, that may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types of child exploitation; (iii) recognizing boundary-violating behaviors in adults or other children that may indicate that the adult or child poses a sexual risk to children and youth and ways to

report that behavior; (iv) effectively communicating concerns about body boundaries or privacy violations to trusted adults; (v) identifying available school and community resources to prevent and respond to sexual abuse; and (vi) creating awareness of warning signs of child exploitation, child abduction and the sexual abuse of a child.

SECTION 2B. Not less than every 2 years, the department shall request, receive and evaluate from each city, town, regional school district, vocational school district or charter school information and materials on the use of sexual health education and child exploitation education conducted by third-party contractors. The department shall report its findings to the clerks of the senate and house of representatives and the chairs of the joint committee on education not later than July 1 of each odd numbered year.

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