

SENATE No. 234

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>1/20/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/23/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/23/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/25/2017</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/25/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/25/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/25/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/25/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/26/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/26/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/26/2017</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/26/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/26/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>1/27/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/27/2017</i>

<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/30/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/1/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/2/2017</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>	<i>2/2/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/2/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/6/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>3/6/2017</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>3/16/2017</i>

SENATE No. 234

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 234) of Sal N. DiDomenico, Solomon Goldstein-Rose, Jack Lewis, Steven Ultrino and other members of the General Court for legislation relative to student sex education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 265 OF 2015-2016.]

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, as appearing in the 2014 Official Edition,
2 is hereby amended by striking out section 32A and inserting in place thereof the following
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 provided by the school, the
8 right of the parent or legal guardian to withdraw a student from all or part of the instruction, and
9 the notification process to the school for withdrawal. The policy shall also include a process for

10 parents and legal guardians to inspect the program instruction materials prior to the start of the
11 course, if the parent or legal guardian requests to review the materials.

12 Such notification must be provided in all languages that meet the federal definition for
13 Limited English Proficiency. The policy shall be distributed annually by September 1 to parents
14 or guardians of a student in a grade that includes a comprehensive sexual health education
15 curriculum during the upcoming academic year. The policy shall also be distributed in the same
16 manner as any student handbook that is distributed to students. If student handbooks are not
17 distributed in a certain grade, the policy shall be distributed in the same manner as other notices
18 provided to parents and guardians at the start of the school year. Upon adoption or amendment,
19 a copy of each district’s policy shall be sent to the department of elementary and secondary
20 education after adoption.

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

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

27 “Age-appropriate”, topics, messages, and teaching methods suitable to particular ages or
28 age groups of children and adolescents, based on cognitive, emotional, social, and behavioral
29 capacity typical for that age or age group.

30 “Consent”, affirmative, conscious, and voluntary agreement to engage in interpersonal,
31 physical, or sexual activity.

32 “Department”, the department of elementary and secondary education.

33 “Gender Identity”, a person's gender-related identity, appearance or behavior, whether or
34 not that gender-related identity, appearance or behavior is different from that traditionally
35 associated with the person's physiology or assigned sex at birth.

36 “Medically accurate”, verified or supported by the weight of research conducted in
37 compliance with accepted scientific methods and published in peer-reviewed journals, where
38 applicable, or otherwise recognized as accurate and objective by leading professional public
39 health or medical, psychological, and psychiatric organizations, government agencies and
40 scientific advisory groups with relevant expertise in the field.

41 “Sexual Orientation”, homosexuality, heterosexuality, or bisexuality; for purposes of
42 curriculum and instruction, “sexual orientation” includes an individual’s attraction, including
43 physical or emotional, to the same and/or different genders.

44 (b) Each city, town, regional school district, vocational school district, or charter school
45 that offers sexual health education shall provide medically accurate, age-appropriate,
46 comprehensive sexual health education. Sexual health education shall be appropriate for
47 students regardless of gender, race, disability status, sexual orientation, or gender identity and
48 shall include, but not be limited to, teaching the following topics:

49 (i) The physical, social, and emotional changes of human development;

50 (ii) Human anatomy, reproduction, and sexual development;

51 (iii) The benefits of abstinence and delaying sexual activity, in conjunction with the
52 effective use of contraceptives and barrier methods, such as condoms, medication, and birth

53 control, to prevent unintended pregnancy and sexually transmitted infections, including
54 HIV/AIDS, and the options for pregnancy, including parenting, adoption, and abortion;

55 (iv) Ways to effectively discuss safe sexual activity;

56 (v) Healthy relationships, including friendships and relationships within families, and
57 communication skills to form healthy, respectful relationships free of violence, coercion, and
58 intimidation and to make healthy decisions about relationships and sexuality; this includes:

59 (1) Developing effective communication, negotiation, and refusal skills, including the
60 skills to recognize and report inappropriate or abusive sexual advances;

61 (2) Understanding bodily autonomy, setting and respecting personal boundaries,
62 practicing personal safety, and consent;

63 (3) Critical thinking, problem solving, self-sufficiency, and decision making;

64 (4) Discussion of healthy relationships, including affirmative representation of
65 lesbian, gay, bisexual, and transgender individuals, relationships, and families; and

66 (5) Encouraging youth to communicate with their parents or guardians, as well as
67 faith, health, and social service professionals, and other trusted adults about sexuality and
68 intimate relationships; and

69 (vi) Age-appropriate information about gender identity and sexual orientation for all
70 students, including:

71 (1) Affirmative recognition that people have different sexual orientations, gender
72 identities, and gender expressions;

73 (2) Information about community resources that can provide additional support for
74 lesbian, gay, bisexual, and transgender students.

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

78 (d) The department shall promulgate rules to implement, administer, and ensure
79 compliance with the provisions of this section.

80 (e) The department shall determine minimum education and training qualifications for
81 sex education instructors.

82 (f) Pursuant to its authority under section 1E of chapter 69 of the general laws, the board
83 of elementary and secondary education shall direct the commissioner to update the health
84 curriculum framework, including provisions relative to sexual health education consistent with
85 this section, upon the effective date of this act and no less than once every 10 years thereafter.

86 32C. (a) The department may promulgate regulations setting forth a complaint procedure
87 to enforce this Act, subject to subsection (b). A final determination of a complaint by the
88 department shall be appealable to the Massachusetts Superior Court.

89 (b) Any parent or guardian with a child enrolled in a city, town, regional school district,
90 vocational school district, or charter school, or any student having legal capacity enrolled in such
91 a school or school district, who believes the school district is not complying with the
92 requirements of Section 32B may enforce the provisions of Section 32B of this chapter in
93 superior court.

94 SECTION 2. Section 1I of Chapter 69 of the General Laws, as so appearing, is hereby
95 amended by inserting after the last paragraph the following:- Beginning the first academic year
96 following the effective date of this act, each city, town, regional school district, vocational school
97 district, or charter school shall file an annual report with the department regarding sexual health
98 education in the district by a date and in a format to be determined by the board. Said report
99 shall include, but not be limited to, the following data for each city, town, regional school
100 district, vocational school district, or charter school, by grade level: (1) a description of any
101 sexual health education curricula offered; (2) the approximate number of hours spent on sexual
102 health education; (3) the number of students receiving sexual health education; and (4) the
103 number of students who withdrew from sexual health education, pursuant to section 32A.

104 SECTION 3. Section 1 of chapter 71 of the general laws, as so appearing, is hereby
105 amended by inserting after the word “resuscitation”, in line 23, the following words:- ; provided,
106 however, that for any school located in a city or town with an adolescent or young adult sexually
107 transmitted infection (STI) incidence rate higher than the state average, and any regional school
108 district where one of the constituent cities or towns has an adolescent or young adult STI
109 incidence rate higher than the state average, instruction in health education shall additionally
110 include comprehensive sexual health education consistent with the requirements laid out in
111 section 32B of chapter 71 of the general laws. The department of elementary and secondary
112 education shall determine for each academic year which school districts and individual schools
113 shall be subject to such additional sexual health education instruction requirements based on the
114 STD, HIV/AIDS and Viral Hepatitis Surveillance Report published annually by the department
115 of public health.

116 SECTION 4. Sections 1 and 2 of this act shall take effect for the academic year
117 immediately following its passage.

118 SECTION 5. Section 3 of this act shall take effect July 1, 2020.