

SENATE No. 2459

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, January 13, 2020

The committee on Ways and Means to whom was referred the Senate Bill relative to healthy youth (Senate, No. 2399),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2459).

For the committee,
Michael J. Rodrigues

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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:

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section
2 32A, as appearing in the 2018 Official Edition, and inserting in place thereof the following 2
3 sections:-

4 Section 32A. A city, town, regional school district, vocational school district or charter
5 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 and the right of the parent or legal guardian to withdraw a student from all or part of the
9 instruction and including a clearly articulated notification process for withdrawal by a parent or
10 legal guardian to the school. The policy shall also include a process for a parent or legal guardian
11 to 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, the notification shall be provided both in English and in other
14 languages commonly spoken by parents and legal guardians. Annually, not later than September

1, the policy shall be distributed to the parents and legal guardians of students in a grade that includes comprehensive sexual health education curriculum during the upcoming academic year. The policy shall be distributed in the same manner as a student handbook that is distributed to students. If a student handbook is not distributed in a grade, the policy shall be distributed in the same manner as other notices provided to parents and legal 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 legal 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 and an alternative educational activity shall be made available to the student.

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) A 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, the prevention of sexually transmitted diseases, including, but not limited to, human immunodeficiency virus and acquired immune deficiency syndrome, and unintended pregnancy, including, but not limited to, 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, but not limited to, affirmative, conscious and voluntary consent to engage in interpersonal, physical or sexual activity; (vi) skills to recognize and prevent dating violence; and (vii) age-appropriate information about gender identity and sexual orientation for all students, including but not limited to 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 may incorporate opportunities for students to analyze societal and media messages.

(c) A city, town, regional school district, vocational school district or charter school that utilizes curricula consistent with the Massachusetts Comprehensive Health Curriculum Framework shall be in compliance with this section.

(d) The department may promulgate rules or regulations 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 of elementary and secondary education to periodically update the health curriculum framework, including provisions relative to sexual health education, consistent with this section.

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

SECTION 3. This act shall take effect for the 2020-2021 school year.