

**SENATE . . . . . No. 263**

**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>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/25/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/24/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/24/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/24/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/24/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/24/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/25/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/17/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/16/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/24/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/24/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/24/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/24/2019</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>1/25/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/29/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/29/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/29/2019</i>

<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/30/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/30/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/30/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/30/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/30/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/30/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/31/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>1/31/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/31/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/1/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/8/2019</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/11/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>4/3/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>10/29/2019</i>

**SENATE . . . . . No. 263**

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 263) of Sal N. DiDomenico, Harriette L. Chandler, Sonia Chang-Diaz, Michael O. Moore and other members of the General Court for legislation relative to student sex education. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 234 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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

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 2016 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 To the extent possible, such notification shall be provided in English and in other  
13 commonly spoken languages spoken by parents and guardians. Annually, no later than  
14 September 1, the policy shall be distributed to parents or guardians of a student in a grade that  
15 includes a comprehensive sexual health education curriculum during the upcoming academic  
16 year; provided, however, that parents or guardians shall not have less than 30 days notification  
17 prior to the start of such instruction. The policy shall be distributed in the same manner as any  
18 student handbook that is distributed to students. If student handbooks are not distributed in a  
19 certain grade, the policy shall be distributed in the same manner as other notices provided to  
20 parents and guardians at the start of the school year. Upon adoption or amendment, a copy of  
21 each district's policy, including the name of the comprehensive sexual health education  
22 curriculum being used, shall be sent to the department of elementary and secondary education.

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

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

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

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

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

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

38           “Medically accurate”, supported by peer-reviewed research conducted in compliance  
39 with accepted scientific methods and recognized as accurate and objective by leading medical,  
40 psychological, psychiatric and public health organizations and agencies and, if relevant,  
41 published in peer-reviewed journals.

42           “Sexual Orientation”, an individual’s attraction, including physical or emotional, to the  
43 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 utilize a research-informed curriculum that offers  
46 medically accurate, age-appropriate, comprehensive sexual health education. Sexual health  
47 education shall be appropriate for students regardless of gender, race, disability status, sexual  
48 orientation, or gender identity and shall include, but not be limited to, teaching: (i) physical,  
49 social, and emotional changes of human development; (ii) human anatomy, reproduction, and  
50 sexual development; (iii) the benefits of abstinence and delaying sexual activity and the  
51 prevention sexually transmitted infections, including HIV/AIDS, and unintended pregnancy,  
52 including the effective use of contraceptives and barrier methods and the options for pregnancy,  
53 including parenting, adoption, and abortion; (iv) ways to effectively discuss safe sexual activity;

54 (v) relationship and communication skills to form healthy, respectful relationships free of  
55 violence, coercion, and intimidation and to make healthy decisions about relationships and  
56 sexuality, including affirmative and voluntary consent to engage in physical or sexual activity,  
57 and skills to recognize and prevent dating violence; and (vi) age-appropriate information about  
58 gender identity and sexual orientation for all students, including affirmative recognition that  
59 people have different sexual orientations, gender identities, and gender expressions, and  
60 information about resources that offer support for lesbian, gay, bisexual, transgender, queer and  
61 questioning students. Comprehensive sexual health education shall incorporate opportunities for  
62 students to analyze societal and media messages.

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

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

68 (e) The department may determine minimum education and training qualifications for sex  
69 education instructors.

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

74           32C. (a) The department may promulgate regulations setting forth a complaint procedure  
75 to enforce this Act, subject to subsection (b). A final determination of a complaint by the  
76 department shall be appealable to the Massachusetts Superior Court.

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

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

93           SECTION 3. This act shall take effect for the academic year immediately following its  
94 passage.