SENATE . . . . . No. 2495

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

SENATE, July 19, 2021.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 318) of Sal N. DiDomenico, Christina A. Minicucci, Vanna Howard, Jack Patrick Lewis and other members of the General Court for legislation relative to student sex education; (accompanied by bill, House, No. 615) of Natalie M. Higgins, Jack Patrick Lewis and others for legislation to authorize a consent program to prevent and reduce the incidence of sexual assault; and (accompanied by bill, House, No. 673) of James J. O'Day, Vanna Howard and others relative to public schools choosing to teach human sexual education or human sexuality issues, report the accompanying bill (Senate, No. 2495).

For the committee,
Jason M. Lewis

FILED ON: 7/15/2021

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In the One Hundred and Ninety-Second General Court
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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:

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

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

To the extent possible, such notification shall be provided in English and in other commonly spoken languages spoken by parents and guardians. Annually, no later than

September 1, the policy shall be distributed to parents or guardians of a student in a grade that includes a comprehensive sexual health education curriculum during the upcoming academic year; provided, however, that parents or guardians shall not have less than 30 days notification prior to the start of such instruction. The policy shall be distributed in the same manner as any 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, including the name of the comprehensive sexual health education curriculum being used, 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 students who have been withdrawn from instruction.

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

"Age-appropriate", topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, social, and behavioral capacity typical for that 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 sexual health education shall provide a medically accurate, age-appropriate, comprehensive 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 infections, 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 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 affirmative education that people have different sexual orientations, gender identities, and gender expressions, and information about resources and support services for all students, including but not limited to lesbian, gay, bisexual, transgender, intersex/agender, queer and questioning students. Sexual health education shall incorporate opportunities for students to analyze societal and media messages.

(c) Any city, town, regional school district, vocational school district or charter school that utilizes curricula consistent with the Massachusetts Comprehensive Health Curriculum Framework health shall comply with this section.

(d) The department shall promulgate rules to implement, administer, and ensure compliance with the provisions of 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 review and update the Massachusetts Comprehensive Health Curriculum Framework, including provisions relative to sexual health education consistent with this section, upon the effective date of this act and at least every 10 years thereafter.

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

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