

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*David F. DeCoste*

*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 Parental Rights in Education.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/15/2025</i>
<i>John R. Gaskey</i>	<i>2nd Plymouth</i>	<i>1/16/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act Relative to Parental Rights in Education.

*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 2024 Official Edition,  
2 is hereby amended by inserting the following section: -

3 Section 32B.

4 (a) The school committee of every city, town, regional school district, or vocational  
5 school district shall adopt procedures for notifying a student's parent or guardian if there is a  
6 change in the student's services or monitoring related to the student's mental, emotional, or  
7 physical health or well-being and the school's ability to provide a safe and supportive learning  
8 environment for the student. The procedures must reinforce the fundamental right of parents to  
9 make decisions regarding the upbringing and control of their children by requiring school district  
10 personnel to encourage a student to discuss issues relating to his or her well-being with his or her  
11 parent or guardian or to facilitate discussion of the issue with the parent. The procedures may not  
12 prohibit parents from lawfully accessing any of their student's education and health records  
13 created, maintained, or used by the school district.

14 (b) The school committee of every city, town, regional school district, or vocational  
15 school district shall not adopt procedures or student support forms that prohibit school district  
16 personnel from notifying a parent or guardian about his or her student's mental, emotional, or  
17 physical health or well-being, or a change in related services or monitoring, or that encourage or  
18 have the effect of encouraging a student to withhold from a parent or guardian such information.  
19 School district personnel may not discourage or prohibit parental notification of and involvement  
20 in critical decisions affecting a student's mental, emotional, or physical health or well-being. This  
21 subparagraph does not prohibit a school district from adopting procedures that permit school  
22 personnel to withhold such information from a parent or guardian if such personnel have  
23 reasonable cause to believe that disclosure would result in abuse or neglect, as those terms are  
24 defined by the regulations of the Department of Children and Families.

25 (c) Instruction by school personnel or third parties on sexual orientation or gender  
26 identity shall not occur in Kindergarten through Grade 3.

27 (d) At the beginning of the school year, each school district shall notify parents of each  
28 healthcare service offered at their student's school and the option to withhold consent or decline  
29 any specific service. Parental consent to a health care service does not waive the parent's right to  
30 access his or her student's educational or health records or to be notified about a change in his or  
31 her student's services or monitoring as provided by this paragraph.

32 (e) Before administering a questionnaire on student well-being or a health screening form  
33 to a student in Kindergarten through Grade 3, the school district must provide the questionnaire  
34 or health screening form to the parent or guardian and obtain the permission of the parent.

35 (f) Each school district shall adopt procedures for a parent or guardian to notify the  
36 principal, or his or her designee, regarding concerns under this section at his or her student's  
37 school and the process for resolving those concerns within 7 calendar days after notification by  
38 the parent.

39 At a minimum, the procedures must require that within 30 days after notification by the  
40 parent or guardian that the concern remains unresolved, the school district must either resolve the  
41 concern or provide a statement of the reasons for not resolving the concern.

42 If a concern is not resolved by the school district, a parent or guardian may:

43 (i) Appeal to the Commissioner of Education to resolve the concern; and/or

44 (ii) Bring an action against the school district to obtain a declaratory judgment that the  
45 school district procedure or practice violates this section and seek injunctive relief. A court may  
46 award damages and shall award reasonable attorney fees and court costs to a parent or guardian  
47 who receives declaratory or injunctive relief.

48 Each school district shall adopt policies to notify parents of the procedures required under  
49 this subparagraph. Nothing contained in this subparagraph shall be construed to abridge or alter  
50 any other rights of action or remedies in equity already existing under the common law or  
51 general law.

52 A government entity shall not substantially burden the fundamental rights of a parent or  
53 guardian as provided under this section unless the government entity demonstrates that the  
54 burden, as applied to the parent or guardian and the child, is required by a compelling

55 governmental interest of the highest order and is the least restrictive means of furthering that  
56 compelling governmental interest.

57 SECTION 2. By June 30, 2027, the Department of Elementary and Secondary Education  
58 shall review and update, as necessary, school counseling frameworks and standards; educator  
59 practices and professional conduct principles; and any other student services personnel  
60 guidelines, standards, or frameworks in accordance with the requirements of this section.