

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day and Vanna Howard

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:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/19/2021</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

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 2018 Official Edition,
2 is hereby amended by striking out section 32A and inserting in place thereof the following
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 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 “Department”, the department of elementary and secondary education.

33 “Medically accurate”, supported by peer-reviewed research conducted in compliance
34 with accepted scientific methods and recognized as accurate and objective by leading medical,

35 psychological, psychiatric and public health organizations and agencies and, if relevant,
36 published in peer-reviewed journals.

37 (b) For the purposes of this section, the terms “consent,” “gender identity,” “gender
38 expression,” and “sexual orientation” shall be defined according to The National Sex Education
39 Standards: Core Content and Skills, K-12, as developed by the Future of Sex Education
40 Initiative.

41 (c) A city, town, regional school district, vocational school district, or charter school that
42 offers sexual health education shall provide a medically accurate, age-appropriate,
43 comprehensive sexual health education. Sexual health education shall be appropriate for students
44 regardless of gender, race, disability status, sexual orientation, or gender identity and shall
45 include, but not be limited to, teaching: (i) physical, social, and emotional changes of human
46 development; (ii) human anatomy, reproduction, and sexual development; (iii) the benefits of
47 abstinence and delaying sexual activity, the prevention of sexually transmitted infections,
48 including, but not limited to, human immunodeficiency virus and acquired immune deficiency
49 syndrome, and unintended pregnancy, including, but not limited to, the effective use of
50 contraceptives and barrier methods; (iv) ways to effectively discuss safe sexual activity; (v)
51 relationship and communication skills to form healthy, respectful relationships free of violence,
52 coercion, and intimidation and to make healthy decisions about relationships and sexuality,
53 including, but not limited to, affirmative, conscious and voluntary consent to engage in physical
54 or sexual activity; (vi) skills to recognize and prevent dating violence; and (vii) age-appropriate
55 information about gender identity and sexual orientation for all students, including affirmative
56 education that people have different sexual orientations, gender identities, and gender
57 expressions, and information about resources and support services for all students, including but

58 not limited to lesbian, gay, bisexual, transgender, intersex/agender, queer and questioning
59 students. Sexual health education shall incorporate opportunities for students to analyze societal
60 and media messages.

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

64 (e) The department shall promulgate rules to implement, administer, and ensure
65 compliance with the provisions of this section.

66 (f) The department may determine minimum education and training qualifications for
67 sexual health education instructors.

68 (g) Pursuant to section 1E of chapter 69, the board of elementary and secondary
69 education shall direct the commissioner to review and update the Massachusetts Comprehensive
70 Health Curriculum Framework, including provisions relative to sexual health education
71 consistent with this section, upon the effective date of this act and at least every 10 years
72 thereafter.

73 SECTION 2. Section 1I of Chapter 69 of the General Laws, as so appearing, is hereby
74 amended by inserting after the last paragraph the following:- Beginning the first academic year
75 following the effective date of this act, each city, town, regional school district, vocational school
76 district, or charter school shall file an annual report with the department regarding sexual health
77 education in the city, town, district, or charter school by a date and in a format to be determined
78 by the board of elementary and secondary education. Said report shall include, but not be limited
79 to, the following data for each city, town, regional school district, vocational school district, or

80 charter school, by grade level: (1) the name and a description of any sexual health education
81 curricula offered; (2) the approximate number of hours spent on sexual health education; (3) the
82 number of students enrolled in sexual health education; and (4) the number of students who
83 withdrew from sexual health education, pursuant to section 32A.

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