

SENATE No. 265

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>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>

SENATE No. 265

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 265) of Sal N. DiDomenico, Jason M. Lewis, Paul R. Heroux, Stephen Kulik and other members of the General Court for legislation relative to student sex education. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 2012 Official Edition,
2 is hereby amended by inserting after Section 32A the following:—

3 Section 32B. (1) For the purposes of this Act, the following terms shall have the
4 following meanings:

5 “Age-appropriate” means topics, messages, and teaching methods suitable to particular
6 ages or age groups of children and adolescents, based on developing cognitive, emotional, and
7 behavioral capacity typical for the age or age group;

8 “Department” means the Department of Elementary and Secondary Education;

9 “Medically accurate” means supported by peer-reviewed research conducted in
10 compliance with accepted scientific methods, and recognized as accurate and objective by

11 leading medical, psychological, psychiatric, and public health organizations and agencies, and,
12 where relevant, published in peer-reviewed journals.

13 (2) Each school district or public school that offers sexual health education shall provide
14 medically accurate, age-appropriate education. Sexual health education under this section shall:
15 teach the benefits of abstinence and delaying sexual activity in conjunction with the importance
16 of effectively using contraceptives and barrier methods to prevent unintended pregnancy and
17 sexually transmitted infections, including HIV/AIDS; teach students the skills to effectively
18 negotiate and implement safer sexual activity; help students develop the relationship and
19 communication skills to form healthy, respectful relationships free of violence, coercion, and
20 intimidation and make healthy decisions about relationships and sexuality; and be appropriate for
21 students regardless of gender, race, disability status, or sexual orientation.

22 (3) Any school district or public school that utilizes the curricula consistent with the
23 Massachusetts comprehensive health curriculum framework shall be presumed to be in
24 compliance with this section.

25 SECTION 2. Said Chapter 71 is hereby amended by striking out said section 32A in its
26 entirety and inserting in place thereof the following section:-

27 Section 32A. Every city, town, regional school district or vocational school district
28 implementing or maintaining curriculum, which primarily involves human sexual education or
29 human sexuality issues shall adopt a written policy ensuring parental or legal guardian
30 notification of the comprehensive sexual health education that the school will provide and the
31 right of the parent or legal guardian to withdraw his or her child from all or part of the
32 instruction, and the process by which said withdrawal is communicated to the school. Said policy

33 shall also advise parents and legal guardians that instruction materials and related items for said
34 curriculum shall be made reasonably accessible to parents and guardians for inspection and
35 review, and shall specify when and where such materials will be available.

36 To the extent possible, such notification shall be provided in English and in the native
37 language of the parents and legal guardians. If the arrangements for such instruction are made
38 after the start of the school year, to the extent possible, this notification shall be sent out no later
39 than 10 days prior to the start of instruction.

40 Students whose parents or legal guardians have withdrawn them from all or part of sexual
41 health instruction shall not be subject to disciplinary action, academic penalty, or other sanction.
42 An alternative educational activity shall be made available to students whose parents have
43 excused them from the instruction.

44 SECTION 3. Section 1I of Chapter 69 of the General Laws, as appearing in the 2012
45 Official Edition, is hereby amended by inserting at the end thereof the following:—

46 (a) No sooner than the academic year 2015-2016, each school district and
47 Commonwealth charter school shall file a report regarding sexual health education in the district
48 with the department every year by a date and in a format determined by the board. Said report
49 shall include, but not be limited to, the following data for each public school district and
50 Commonwealth charter school, by grade level:

51 a. a description of any sexual health education curricula offered;

52 b. the approximate number of hours spent on sexual health education;

53 c. the number of students receiving sexual health education; and

54 d. the number of students who withdraw from sexual health education, pursuant to
55 section 32A.