HOUSE . . . . No. 3704

The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court
(2017-2018)

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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:

1   SECTION 1. Chapter 71 of the General Laws, as appearing in the 2014 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 provide a means by which parents and legal guardians may inspect the program

34   instruction materials prior to the start of the course.

35   To the extent possible, such notification shall be provided in English and in the native

36   language of the parents and legal guardians. Said policy must also be distributed by September 1

37   of each year to parents of students in those grades in which such curriculum will be taught during

38   that academic year. Such policy shall be distributed in the same manner as that by which the

39   student handbook is distributed to students. In grades for which student handbooks are not

40   required, the policy must be distributed in the same manner as other notices provided to parents

41   and guardians at the start of the school year. A copy of each district's policy must be sent to the

42   department of elementary and secondary education after adoption.

43   Students whose parents or legal guardians have withdrawn them from all or part of sexual

44   health instruction shall not be subject to disciplinary action, academic penalty, or other sanction.

45   An alternative educational activity shall be made available to students whose parents have

46   excused them from the instruction.