

HOUSE No. 3793

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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; stress the importance of effectively
16 using contraceptives and barrier methods to prevent unintended pregnancy and sexually
17 transmitted infections, including HIV/AIDS; teach students the skills to effectively negotiate and
18 implement safer sexual activity; help students develop the relationship and communication skills
19 to form healthy, respectful relationships free of violence, coercion, and intimidation and make
20 healthy decisions about relationships and sexuality; and be appropriate for students regardless of
21 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.