

# SENATE . . . . . No. 2128

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## The Commonwealth of Massachusetts

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

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 is hereby amended by striking out section  
2   32A, as appearing in the 2016 Official Edition, and inserting in place thereof the following 2  
3   sections:-

4           Section 32A. Every city, town, regional school district, vocational school district or  
5   charter 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 curriculum provided by the  
8   school, the right of the parent or legal guardian to withdraw a student from all or part of the  
9   instruction and a clearly articulated notification process for withdrawal by a parent or legal  
10   guardian to the school. The policy shall also include a process for parents and legal guardians to  
11   inspect the program instruction materials before the start of the course, if the parent or legal  
12   guardian requests to review the materials.

13 To the extent possible, such notification shall be provided in English and in other  
14 commonly spoken languages by parents and guardians. Annually, not later than September 1, the  
15 policy shall be distributed to parents or guardians of a student in a grade that includes  
16 comprehensive sexual health education curriculum during the upcoming academic year;  
17 provided, however, that parents or guardians shall have not less than 30 days notification prior to  
18 the start of such instruction. The policy shall be distributed in the same manner as a student  
19 handbook that is distributed to students. If student handbooks are not distributed in a certain  
20 grade, the policy shall be distributed in the same manner as other notices provided to parents and  
21 guardians at the start of the school year. Upon adoption or amendment, a copy of each district’s  
22 policy 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 a  
26 student who has been withdrawn from instruction.

27 Section 32B. (a) For the purposes of this section, the following terms shall have the  
28 following meanings unless the context clearly requires otherwise:

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 and behavioral  
31 capacity typical for the 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) Each city, town, regional school district, vocational school district or charter school  
38 that offers a comprehensive sexual health education curriculum shall provide medically accurate,  
39 age-appropriate sexual health education. Sexual health education shall be appropriate for  
40 students regardless of gender, race, disability status, sexual orientation or gender identity and  
41 shall include, but not be limited to, teaching: (i) physical, social and emotional changes of human  
42 development; (ii) human anatomy, reproduction and sexual development; (iii) the benefits of  
43 abstinence and delaying sexual activity and the prevention of sexually transmitted diseases,  
44 including HIV/AIDS, and unintended pregnancy, including the effective use of contraceptives  
45 and barrier methods ; (iv) ways to effectively discuss safe sexual activity; (v) relationship and  
46 communication skills to form healthy, respectful relationships free of violence, coercion and  
47 intimidation and to make healthy decisions about relationships and sexuality, including  
48 affirmative and voluntary consent to engage in physical or sexual activity, and skills to recognize  
49 and prevent dating violence; and (vi) age-appropriate information about gender identity and  
50 sexual orientation for all students, including affirmative recognition that people have different  
51 sexual orientations, gender identities and gender expressions and information about resources  
52 that offer support for lesbian, gay, bisexual, transgender, queer and questioning students. Sexual  
53 health education shall incorporate opportunities for students to analyze societal and media  
54 messages. Sexual health education shall also include teaching considerations relevant to  
55 becoming a parent.

56 (c) A city, town, regional school district, vocational school district or charter school that  
57 utilizes curricula consistent with the Massachusetts curriculum framework for comprehensive  
58 health shall comply with this section.

59 (d) The department may promulgate rules to implement, administer and ensure  
60 compliance with this section.

61 (e) The department may determine minimum education and training qualifications for  
62 sexual health education instructors.

63 (f) Pursuant to section 1E of chapter 69, the board of elementary and secondary education  
64 shall direct the commissioner to update the health curriculum framework, including provisions  
65 relative to sexual health education, consistent with this section, upon the effective date of this act  
66 and periodically thereafter.

67 SECTION 2. Pursuant to section 1E of chapter 69 of the General Laws, the board of  
68 elementary and secondary education shall direct the commissioner to update the health  
69 curriculum framework, including provisions relative to sexual health education, consistent with  
70 this act in advance of the 2018-2019 school year.

71 SECTION 2A. The department of elementary and secondary education, in consultation  
72 with the advisory council for comprehensive health education and human service programs  
73 established in section 1G of chapter 15 of the General Laws, shall establish age-appropriate  
74 guidelines for child exploitation awareness education for students in grades 2 to 12, inclusive,  
75 that may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types  
76 of child exploitation; (iii) recognizing boundary-violating behaviors in adults or other children  
77 that may indicate that the adult or child poses a sexual risk to children and youth and ways to

78 report that behavior; (iv) effectively communicating concerns about body boundaries or privacy  
79 violations to trusted adults; (v) identifying available school and community resources to prevent  
80 and respond to sexual abuse; and (vi) creating awareness of warning signs of child exploitation,  
81 child abduction and the sexual abuse of a child.

82 SECTION 2B. Not less than every 2 years, the department shall request, receive and  
83 evaluate from each city, town, regional school district, vocational school district or charter  
84 school information and materials on the use of sexual health education and child exploitation  
85 education conducted by third-party contractors. The department shall report its findings to the  
86 clerks of the senate and house of representatives and the chairs of the joint committee on  
87 education not later than July 1 of each odd numbered year.

88 SECTION 3. This act shall take effect for the 2018-2019 school year.