

**SENATE . . . . . No. 2399**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court**  
**(2019-2020)**  
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Senate, October 17, 2019

The committee on Education, to whom was referred the petition (accompanied by bill, Senate, No. 263) of Sal N. DiDomenico, Harriette L. Chandler, Sonia Chang-Diaz, Michael O. Moore and other members of the General Court for legislation relative to student sex education,- reports the accompanying bill (Senate, No. 2399).

For the committee,  
Jason M. Lewis

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court  
(2019-2020)

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 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.