

SENATE No. 2475

Senate, January 16, 2020— Text of the Senate Bill relative to healthy youth (being the text of Senate, No. 2459, printed as amended)

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 is hereby amended by striking out section
2 32A, as appearing in the 2018 Official Edition, and inserting in place thereof the following 2
3 sections:-

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

To the extent possible, the notification shall be provided both in English and in other languages commonly spoken by parents and legal guardians. Annually, not later than September 1, the policy shall be distributed to the parents and legal guardians of students in a grade that includes comprehensive sexual health education curriculum during the upcoming academic year; provided, however, that parents and legal guardians shall receive notification not less than 30 days before the start of such instruction. The policy shall be distributed in the same manner as a student handbook that is distributed to students. If a student handbook is not distributed in a grade, the policy shall be distributed in the same manner as other notices provided to parents and legal guardians at the start of the school year. Upon adoption or amendment, a copy of each district's policy shall be sent to the department of elementary and secondary education.

If a parent or legal guardian withdraws a student from all or part of the comprehensive sexual health education curriculum, the student shall not be subject to disciplinary action, academic penalty or any other sanction and an enriching alternative educational activity shall be made available to the student.

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

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

“Department”, the department of elementary and secondary education.

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

psychological, psychiatric and public health organizations and agencies and, if relevant,
published in peer-reviewed journals.

(b) A city, town, regional school district, vocational school district or charter school that offers a sexual health education curriculum shall provide medically accurate, age-appropriate and comprehensive sexual health education. Sexual health education shall be appropriate for students regardless of gender, race, disability status, sexual orientation or gender identity and shall include, but not be limited to, teaching: (i) physical, social and emotional changes of human development; (ii) human anatomy, reproduction and sexual development; (iii) the benefits of abstinence and delaying sexual activity, the prevention of sexually transmitted diseases, including, but not limited to, human immunodeficiency virus and acquired immune deficiency syndrome, and unintended pregnancy, including, but not limited to, the effective use of contraceptives and barrier methods; (iv) ways to effectively discuss safe sexual activity; (v) relationship and communication skills to form healthy, respectful relationships free of violence, coercion and intimidation and to make healthy decisions about relationships and sexuality, including, but not limited to, affirmative, conscious and voluntary consent to engage in interpersonal, physical or sexual activity; (vi) skills to recognize and prevent dating violence; and (vii) age-appropriate information about gender identity and sexual orientation for all students, including but not limited to affirmative recognition that people have different sexual orientations, gender identities and gender expressions and information about resources that offer support for lesbian, gay, bisexual, transgender, queer and questioning students. Sexual health education shall incorporate opportunities for students to analyze societal and media messages.

(c) A city, town, regional school district, vocational school district or charter school that utilizes curricula consistent with the Massachusetts Comprehensive Health Curriculum Framework shall be in compliance with this section.

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

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

(f) Pursuant to section 1E of chapter 69, the board of elementary and secondary education shall direct the commissioner of elementary and secondary education to periodically update the health curriculum framework, including provisions relative to sexual health education, consistent with this section.

SECTION 2. Pursuant to section 1E of chapter 69 of the General Laws, the board of elementary and secondary education shall direct the commissioner of elementary and secondary education to update the health curriculum framework, including provisions relative to sexual health education, consistent with this act.

SECTION 3. Notwithstanding any general or special law to the contrary, each city, town, regional school district, vocational school district and charter school shall file a biennial report with the department of elementary and secondary education regarding sexual health education in the city, town, district or charter school by a date and in a format to be determined by the board of elementary and secondary education; provided, however, that the first biennial report shall be filed not later than November 1, 2021 and subsequent reports shall be filed not later than November 1 in each odd-numbered year until 2031.

The report shall include, but not be limited to, the following data broken down by grade level: (i) a description and title, if any, of sexual health education curricula offered; (ii) the aggregate number of students enrolled in sexual health education; and (iii) the aggregate number of students who withdrew from sexual health education pursuant to section 32A of chapter 71 of the General Laws. The commissioner of elementary and secondary education shall make the aggregated data collected pursuant to this section available on the department's website and transmit the data collected pursuant to this section to the department of public health within 30 days of the biennial deadline for data submission.

SECTION 4. The department of elementary and secondary education, in consultation with the advisory council for comprehensive health education and human service programs established in section 1G of chapter 15 of the General Laws, shall establish age-appropriate guidelines for child exploitation awareness education for students in grades 2 to 12, inclusive, that may include, but shall not be limited to: (i) defining child exploitation; (ii) recognizing types of child exploitation; (iii) recognizing boundary-violating behaviors in adults or other children that may indicate that the adult or child poses a sexual risk to children and youth and ways to report that behavior; (iv) effectively communicating concerns about body boundaries or privacy violations to trusted adults; (v) identifying available school and community resources to prevent and respond to sexual abuse; and (vi) creating awareness of warning signs of child exploitation, child abduction and the sexual abuse of a child.

SECTION 5. This act shall take effect for the 2020-2021 school year.