

**HOUSE . . . . . No. 410****The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul Brodeur and James J. O'Day*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to healthy youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>

Peter Capano	11th Essex
Gerard J. Cassidy	9th Plymouth
Harriette L. Chandler	First Worcester
Sonia Chang-Diaz	Second Suffolk
Michelle L. Ciccolo	15th Middlesex
Edward F. Coppinger	10th Suffolk
Brendan P. Crighton	Third Essex
Daniel R. Cullinane	12th Suffolk
Josh S. Cutler	6th Plymouth
Julian Cyr	Cape and Islands
Michael S. Day	31st Middlesex
Marjorie C. Decker	25th Middlesex
Sal N. DiDomenico	Middlesex and Suffolk
Mindy Domb	3rd Hampshire
Daniel M. Donahue	16th Worcester
Michelle M. DuBois	10th Plymouth
Carolyn C. Dykema	8th Middlesex
Lori A. Ehrlich	8th Essex
James B. Eldridge	Middlesex and Worcester
Nika C. Elugardo	15th Suffolk
Tricia Farley-Bouvier	3rd Berkshire
Paul R. Feeney	Bristol and Norfolk
Dylan A. Fernandes	Barnstable, Dukes and Nantucket
Ann-Margaret Ferrante	5th Essex
Sean Garballay	23rd Middlesex
Denise C. Garlick	13th Norfolk
Carmine Lawrence Gentile	13th Middlesex
Carlos Gonzalez	10th Hampden
Kenneth I. Gordon	21st Middlesex
Tami L. Gouveia	14th Middlesex
Danielle W. Gregoire	4th Middlesex
Patricia A. Haddad	5th Bristol
Richard M. Haggerty	30th Middlesex
James K. Hawkins	2nd Bristol
Stephan Hay	3rd Worcester
Jonathan Hecht	29th Middlesex
Christopher Hendricks	11th Bristol
Natalie M. Higgins	4th Worcester
Kate Hogan	3rd Middlesex

<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>

<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

# HOUSE . . . . . No. 410

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By Messrs. Brodeur of Melrose and O'Day of West Boylston, a petition (accompanied by bill, House, No. 410) of Paul Brodeur and others relative to sexual health education in public schools. Education.

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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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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 2016 Official Edition,
- 2        is hereby amended by striking out section 32A and inserting in place thereof the following
- 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 provided by the school, the
  - 8            right of the parent or legal guardian to withdraw a student from all or part of the instruction, and
  - 9            the notification process to the school for withdrawal. The policy shall also include a process for
  - 10          parents and legal guardians to inspect the program instruction materials prior to the start of the
  - 11          course, if the parent or legal guardian requests to review the materials.

12           To the extent possible, such notification shall be provided in English and in other  
13   commonly spoken languages spoken by parents and guardians. Annually, no later than  
14   September 1, the policy shall be distributed to parents or guardians of a student in a grade that  
15   includes a comprehensive sexual health education curriculum during the upcoming academic  
16   year; provided, however, that parents or guardians shall not have less than 30 days notification  
17   prior to the start of such instruction. The policy shall be distributed in the same manner as any  
18   student handbook that is distributed to students. If student handbooks are not distributed in a  
19   certain grade, the policy shall be distributed in the same manner as other notices provided to  
20   parents and guardians at the start of the school year. Upon adoption or amendment, a copy of  
21   each district's policy, including the name of the comprehensive sexual health education  
22   curriculum being used, 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  
26   students who have been withdrawn from instruction.

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

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, social, and  
31   behavioral capacity typical for that age or age group.

32           “Consent”, affirmative, conscious, and voluntary agreement to engage in interpersonal,  
33   physical, or sexual activity.

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

35           “Gender Identity”, a person's gender-related identity, appearance or behavior, whether or  
36       not that gender-related identity, appearance or behavior is different from that traditionally  
37       associated with the person's physiology or assigned sex at birth.

38           “Medically accurate”, supported by peer-reviewed research conducted in compliance  
39       with accepted scientific methods and recognized as accurate and objective by leading medical,  
40       psychological, psychiatric and public health organizations and agencies and, if relevant,  
41       published in peer-reviewed journals.

42           “Sexual Orientation”, an individual's attraction, including physical or emotional, to the  
43       same and/or different genders.

44           (b) Each city, town, regional school district, vocational school district, or charter school  
45       that offers sexual health education shall utilize a research-informed curriculum that offers  
46       medically accurate, age-appropriate, comprehensive sexual health education. Sexual health  
47       education shall be appropriate for students regardless of gender, race, disability status, sexual  
48       orientation, or gender identity and shall include, but not be limited to, teaching: (i) physical,  
49       social, and emotional changes of human development; (ii) human anatomy, reproduction, and  
50       sexual development; (iii) the benefits of abstinence and delaying sexual activity and the  
51       prevention sexually transmitted infections, including HIV/AIDS, and unintended pregnancy,  
52       including the effective use of contraceptives and barrier methods and the options for pregnancy,  
53       including parenting, adoption, and abortion; (iv) ways to effectively discuss safe sexual activity;  
54       (v) relationship and communication skills to form healthy, respectful relationships free of  
55       violence, coercion, and intimidation and to make healthy decisions about relationships and

56 sexuality, including affirmative and voluntary consent to engage in physical or sexual activity,  
57 and skills to recognize and prevent dating violence; and (vi) age-appropriate information about  
58 gender identity and sexual orientation for all students, including affirmative recognition that  
59 people have different sexual orientations, gender identities, and gender expressions, and  
60 information about resources that offer support for lesbian, gay, bisexual, transgender, queer and  
61 questioning students. Comprehensive sexual health education shall incorporate opportunities for  
62 students to analyze societal and media messages.

63 (c) Any city, town, regional school district, vocational school district or charter school  
64 that utilizes curricula consistent with the Massachusetts curriculum framework for  
65 comprehensive health shall comply with this section.

66 (d) The department shall promulgate rules to implement, administer, and ensure  
67 compliance with the provisions of this section.

68 (e) The department may determine minimum education and training qualifications for sex  
69 education instructors.

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

74 32C. (a) The department may promulgate regulations setting forth a complaint procedure  
75 to enforce this Act, subject to subsection (b). A final determination of a complaint by the  
76 department shall be appealable to the Massachusetts Superior Court.

77                   (b) Any parent or guardian with a child enrolled in a city, town, regional school district,  
78 vocational school district, or charter school, or any student having legal capacity enrolled in such  
79 a school or school district, who believes the school district is not complying with the  
80 requirements of Section 32B may enforce the provisions of Section 32B of this chapter in  
81 superior court.

82                   SECTION 2. Section 1I of Chapter 69 of the General Laws, as so appearing, is hereby  
83 amended by inserting after the last paragraph the following:- Beginning the first academic year  
84 following the effective date of this act, each city, town, regional school district, vocational school  
85 district, or charter school shall file an annual report with the department regarding sexual health  
86 education in the district by a date and in a format to be determined by the board. Said report  
87 shall include, but not be limited to, the following data for each city, town, regional school  
88 district, vocational school district, or charter school, by grade level: (1) the name and a  
89 description of any sexual health education curricula offered; (2) the approximate number of  
90 hours spent on sexual health education; (3) the number of students receiving sexual health  
91 education; and (4) the number of students who withdrew from sexual health education, pursuant  
92 to section 32A.

93                   SECTION 3. This act shall take effect for the academic year immediately following its  
94 passage.