

HOUSE No. 01063

The Commonwealth of Massachusetts

PRESENTED BY:

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 passage of the accompanying bill:

An Act relative to healthy youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Katherine M. Clark</i>	<i>Middlesex and Essex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

HOUSE No. 01063

By Mr. James J. O'Day of West Boylston, petition (accompanied by bill, House, No. 01063) of Michael Moore and others relative to age appropriate sexual health education. Joint Committee on Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008 Official Edition, is
2 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 following
4 meanings:

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

8

9 “Department” means the Department of Elementary and Secondary Education.

10 “Medically accurate” means supported by peer-reviewed research conducted in compliance with
11 accepted scientific methods, and recognized as accurate and objective by leading medical,
12 psychological, psychiatric, and public health organizations and agencies, and, where relevant,
13 published in peer-reviewed journals.

14 (2) Each school district or public school that offers sexual health education shall provide
15 medically accurate, age-appropriate education.

16 Sexual health education under this section shall: teach the benefits of abstinence and delaying
17 sexual activity; stress the importance of effectively using contraceptives and barrier methods to
18 prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS; teach
19 students the skills to effectively negotiate and implement safer sexual activity; help students
20 develop the relationship and communication skills to form healthy, respectful relationships free
21 of violence, coercion, and intimidation and make healthy decisions about relationships and
22 sexuality; and be appropriate for students regardless of gender, race, disability status, or sexual
23 orientation.

24 No speaker, program, curriculum, or materials used by a public school to provide instruction
25 regarding sexual health shall conflict with the standards set out in this section, and information
26 about abstinence may not be provided separate from information on contraceptives and disease
27 prevention.

28 (3) Sexual health education must be consistent with the Massachusetts comprehensive health
29 curriculum framework developed by the department.

30 The commissioner of education shall develop a list of sexual health education curricula that are
31 consistent with this section and the comprehensive health curriculum framework. This list shall

32 be intended to serve as a resource for schools, teachers, or any other organization or community
33 group, and shall be updated annually and made available on the department web site. Any school
34 district or public school that utilizes these curricula in a manner consistent with section 32B(2)
35 shall be presumed to be in compliance with this section.

36 (4) The department shall establish a procedure, to be described on its website, to enable any
37 parent or guardian with a child enrolled in a school district, or any student enrolled in a school
38 district, to bring to the attention of the department any sexual health curriculum or program
39 which the individual believes is inconsistent with the requirements of this act. The
40 commissioner shall assess any such curriculum or program and provide guidance and training to
41 the school district to address identified inconsistencies and report back to the complaining
42 individual within 60 days.

43 (5) Nothing in this section shall be construed to limit the ability of parents to exempt their
44 children from instruction which primarily involves human sexual education or human sexuality
45 issues under the provisions of section 32A of this chapter.

46 SECTION 2. Section 1I of Chapter 69 of the General Laws, as appearing in the 2008 Official
47 Edition, is hereby amended by inserting at the end thereof the following:—

48 Each school district and Commonwealth charter school shall file a report regarding sexual health
49 education in the district with the department every year by a date and in a format determined by
50 the board. Said report shall include, but not be limited to, the following data for each public
51 school and Commonwealth charter school, by grade level:

52 (a) a description of any sexual health education curricula or programs offered;

- 53 (b) the approximate number of hours spent on sexual health education;
- 54 (c) the number of students receiving sexual health education; and
- 55 (d) the number of students who opt-out of sexual health education under the provisions of
- 56 section 32A of chapter 71.