

SENATE No. 2534

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, September 20, 2021.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to healthy youth (Senate, No. 2495), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2534).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Second General Court
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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. Section 1E 1/2 of chapter 69 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by adding the following paragraph:-

3 Each city, town, regional school district, vocational school district and charter school
4 shall file a biennial report on even years with the department regarding sexual health education
5 in the city, town, district or charter school by a date and in a format to be determined by the
6 board of elementary and secondary education. The report shall include, but not be limited to, for
7 each city, town, regional school district, vocational school district and charter school, by grade
8 level: (i) the name and a description of any sexual health education curricula offered; (ii) the
9 approximate number of hours spent on sexual health education; (iii) the number of students
10 enrolled in sexual health education; and (iv) the number of students who withdrew from sexual
11 health education pursuant to section 32A of chapter 71.

12 SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out section
13 32A, as so appearing, and inserting in place thereof the following 2 sections:-

14 Section 32A. A city, town, regional school district, vocational school district or charter
15 school implementing or maintaining a curriculum that primarily involves human sexual
16 education or human sexuality issues shall adopt a written policy ensuring that parents and
17 guardians are notified of: (i) the comprehensive sexual health education provided by the school;
18 (ii) the right of a parent or guardian to withdraw a student from all or part of the instruction; and
19 (iii) the process for a parent or guardian to notify the school of a student's withdrawal. The
20 policy shall also include a process for a parent or guardian to inspect the program's instruction
21 materials prior to the start of the course if the parent or guardian requests to review the materials.

22 To the extent possible, such notification shall be provided in English and in other
23 commonly spoken languages spoken by parents and guardians of students in the district or
24 charter school. Annually, not later than September 1, the policy shall be distributed to the parents
25 and guardians of students in a grade that includes a comprehensive sexual health education
26 curriculum during the upcoming academic year. The policy shall be distributed in the same
27 manner as any student handbook that is distributed to students. If student handbooks are not
28 distributed in a certain grade, the policy shall be distributed in the same manner as other notices
29 provided to parents and guardians at the start of the school year.

30 Each district and charter school shall send a copy of its policy, including, if applicable,
31 the name of the comprehensive sexual health education curriculum being used, to the department
32 of elementary and secondary education upon adoption of the policy and upon any amendment of
33 the policy.

34 If a parent or guardian withdraws a student from all or part of the comprehensive sexual
35 health education curriculum, the student shall not be subject to disciplinary action, academic

36 penalty or any other sanction. An alternative educational activity shall be made available to any
37 student who has been withdrawn from the sexual health education instruction.

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

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

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

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

48 (b) For the purposes of this section, a curriculum’s discussions of the terms “consent,”
49 “gender expression,” “gender identity” and “sexual orientation” shall be construed consistently
50 with the terms as used or defined in the annual report of the commission on lesbian, gay,
51 bisexual, transgender, queer and questioning youth established under section 67 of chapter 3.

52 (c) A city, town, regional school district, vocational school district or charter school that
53 offers sexual health education shall provide a medically accurate, age-appropriate,
54 comprehensive sexual health education. Sexual health education shall be appropriate for students
55 regardless of gender, race, disability status, sexual orientation or gender identity and shall
56 include, but not be limited to, age-appropriate teaching: (i) physical, social and emotional

57 changes of human development; (ii) human anatomy, reproduction and sexual development; (iii)
58 the benefits of abstinence and delaying sexual activity, the prevention of sexually transmitted
59 infections, including, but not limited to, human immunodeficiency virus and acquired immune
60 deficiency syndrome, and unintended pregnancy, including, but not limited to, the effective use
61 of contraceptives and barrier methods; (iv) ways to effectively discuss safe sexual activity; (v)
62 relationship and communication skills to form healthy, respectful relationships free of violence,
63 coercion and intimidation and to make healthy decisions about relationships and sexuality,
64 including, but not limited to, affirmative, conscious and voluntary consent to engage in physical
65 or sexual activity; (vi) skills to recognize and prevent dating violence; (vii) age-appropriate
66 information about: (1) gender identity and sexual orientation for all students, including
67 affirmative education that people have different sexual orientations, gender identities and gender
68 expressions; and (2) resources and support services for all students, including, but not limited to,
69 lesbian, gay, bisexual, transgender, intersex, agender, queer and questioning students. Sexual
70 health education shall incorporate opportunities for students to analyze societal and media
71 messages.

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

75 (e) The department shall promulgate rules to implement, administer and ensure
76 compliance with this section.

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

79 (g) Pursuant to section 1E of chapter 69, the board of elementary and secondary
80 education shall review and update the Massachusetts Comprehensive Health Curriculum
81 Framework, including provisions relative to sexual health education consistent with this section
82 not less than once every 10 years.

83 SECTION 3. The board of elementary and secondary education shall begin review and
84 update the Massachusetts Comprehensive Health Curriculum Framework pursuant to subsection
85 (g) of section 32B of chapter 71 of the General Laws upon the effective date of this act.

86 SECTION 4. This act shall take effect for the academic year immediately following its
87 passage.