

SENATE No. 2686

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, February 22, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to healthy youth (Senate, No. 268), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2686).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Third 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. Chapter 69 of the General Laws is hereby amended by inserting after
2 section 1E the following section:-

3 Section 1E ½. Each city, town, regional school district, vocational school district and
4 charter school shall file a biennial report regarding sexual health education, which shall include,
5 but not be limited to, for each city, town, regional school district, vocational school district and
6 charter school, by grade level: (i) the name and a description of any sexual health education
7 curriculum offered; (ii) the approximate number of hours spent on sexual health education; (iii)
8 the number of students enrolled in sexual health education; and (iv) the number of students who
9 withdrew from sexual health education under section 32A of chapter 71. The report shall be filed
10 with the board of elementary and secondary education each even-numbered year by a date and in
11 a format to be determined by the board.

12 The commissioner shall make the data collected under this section available to the public
13 on the department’s website and transmit the data to the department of public health within 30
14 days of the date established by the board for the filing of biennial reports under this section.

15 SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out section
16 32A, as so appearing, and inserting in place thereof the following 2 sections:-

17 Section 32A. A city, town, regional school district, vocational school district or charter
18 school implementing or maintaining a curriculum that primarily involves sexual education shall
19 adopt a written policy ensuring that parents and guardians are notified of: (i) the comprehensive
20 sexual health education offered by the school; (ii) the right of a parent or guardian to withdraw a
21 student from all or part of the instruction; and (iii) the process for a parent or guardian to notify
22 the school of a student’s withdrawal. The policy shall include a process for a parent or guardian,
23 at the parent or guardian’s request, to inspect the instruction materials prior to the start of the
24 course.

25 To the extent possible, such notifications shall be provided in English and in other
26 commonly spoken languages spoken by parents and guardians of students in the district or
27 charter school. Annually, not later than the first day of a school year, the policy shall be
28 distributed to the parents and guardians of students in a grade that includes a comprehensive
29 sexual health education curriculum for said school year. The policy shall be distributed in the
30 same manner as any student handbook that is distributed to students; provided, however, that if
31 student handbooks are not distributed in a certain grade, the policy shall be distributed in the
32 same manner as other notices provided to parents and guardians of students in that grade at the
33 start of the school year.

34 Each district and charter school shall send a copy of its policy, including, if applicable,
35 the name of the comprehensive sexual health education curriculum to the department of
36 elementary and secondary education upon adoption of the policy and upon any amendment of the
37 policy.

38 If a parent or guardian withdraws a student from all or part of the comprehensive sexual
39 health education curriculum, the student shall not be subject to disciplinary action, academic
40 penalty or any other sanction. An alternative educational activity shall be made available to a
41 student who has been withdrawn from the sexual health education instruction.

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

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

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

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

52 (b) For the purposes of this section, a curriculum’s discussions of the terms “consent”,
53 “gender expression”, “gender identity” and “sexual orientation” shall be construed consistently

54 with the terms as used or defined in the annual report of the commission on lesbian, gay,
55 bisexual, transgender, queer and questioning youth established under section 67 of chapter 3.

56 (c) A city, town, regional school district, vocational school district or charter school that
57 offers sexual health curriculum shall provide a medically accurate, age-appropriate,
58 comprehensive sexual health education consistent with the Massachusetts Comprehensive Health
59 Curriculum Framework. Sexual health education shall be appropriate for students regardless of
60 gender, race, disability status, sexual orientation or gender identity and shall include, but not be
61 limited to, age-appropriate teaching of: (i) physical, social and emotional changes of human
62 development; (ii) human anatomy, reproduction and sexual development; (iii) the benefits of
63 abstinence and delaying sexual activity, the prevention of sexually transmitted infections,
64 including, but not limited to, human immunodeficiency virus and acquired immune deficiency
65 syndrome, and the prevention of unintended pregnancy, including, but not limited to, the
66 effective use of contraceptives and barrier methods; (iv) ways to effectively discuss safe sexual
67 activity; (v) relationship and communication skills to form healthy, respectful relationships free
68 of violence, coercion and intimidation and to make healthy decisions about relationships and
69 sexuality, including, but not limited to, affirmative, conscious and voluntary consent to engage in
70 physical or sexual activity; (vi) skills to recognize and prevent dating violence; and (vii) age-
71 appropriate information about: (A) gender identity and sexual orientation for all students,
72 including affirmative education that people have different sexual orientations, gender identities
73 and gender expressions; and (B) resources and support services for all students, including, but
74 not limited to, lesbian, gay, bisexual, transgender, intersex, agender, queer and questioning
75 students. Sexual health education shall incorporate opportunities for students to analyze societal
76 and media messages.

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

80 (e) The department shall issue rules to implement, administer and ensure compliance with
81 this section.

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

84 (g) Not less than every 10 years, the board of elementary and secondary education shall
85 review and update the Massachusetts Comprehensive Health Curriculum Framework, including
86 provisions relative to sexual health education consistent with this section, in accordance with
87 section 1E of chapter 69.

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