HOUSE DOCKET, NO. 1260 FILED ON: 1/16/2013

HOUSE . . . . . No. 421

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos Henriquez and William N. Brownsberger

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:

An Act relative to comprehensive health education in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carlos Henriquez	*5th Suffolk*
William N. Brownsberger	*Second Suffolk and Middlesex*
Carlo Basile	*1st Suffolk*
Sonia Chang-Diaz	*Second Suffolk*
Thomas P. Conroy	*13th Middlesex*
Linda Dorcena Forry	*12th Suffolk*
Aaron Michlewitz	*3rd Suffolk*
Denise Provost	*27th Middlesex*
Tom Sannicandro	*7th Middlesex*
Thomas M. Menino	*Mayor, City of Boston*

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HOUSE . . . . . No. 421

By Representative Henriquez of Boston and Senator Brownsberger, a joint petition (accompanied by bill, House, No. 421) of Carlos Henriquez, William N. Brownsberger and others for legislation to establish a comprehensive health education curriculum in the public schools. Education.

The Commonwealth of Massachusetts

An Act relative to comprehensive health education in schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.Section 1D of chapter 69 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in the second paragraph, after the word "languages", the following words:- health education.

SECTION 2. Paragraph 3 of said section 1D of said chapter 69, as so appearing, is hereby further amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentence:-

The standards for health education shall be age-appropriate, medically accurate and evidence-based and shall, at a minimum, provide for instruction in the following areas: growth and physical development, physical activity and fitness, nutrition and wellness , human immunodeficiency virus and acquired immune deficiency syndrome education, reproduction and sexual health, mental health, family life, interpersonal relationships, disease prevention and control, safety and injury prevention, tobacco, alcohol, and other substance use and abuse prevention, violence prevention, including teen dating violence, bullying prevention, conflict resolution, ecological health, health disparities and community and public health.

SECTION 3. The fourteenth paragraph of section 1I of said chapter 69, as so appearing, is hereby amended

by striking out clauses (i) and (l) and inserting in place thereof the following clause: -

(i) health education, including drug, tobacco and alcohol abuse prevention programs, nutrition and wellness programs, reproduction and sexuality, interpersonal relationships, violence prevention, bullying prevention, and teen dating violence.

21 SECTION 4. Section 1 of Chapter 71 of the General Laws, as so appearing, is hereby
22 amended by striking the fifth sentence and inserting in place thereof the following sentence:-

23 Instruction in health education shall be age-appropriate, medically accurate and evidence-
24 based and shall include, but not be limited to: consumer health, ecology, community health, body
25 structure and function, safety, nutrition and wellness, fitness and body dynamics, dental health,
26 emotional development, safe and healthy relationships with a focus on preventing sexual and
27 domestic violence, reproduction and sexual health, tobacco, alcohol and other substance use and
28 abuse prevention, violence prevention, including teen dating violence, bullying prevention,
29 conflict resolution, health disparities and training in the administration of first aid, including
30 cardiopulmonary resuscitation.

31 SECTION 5.Notwithstanding any general or special law to the contrary, the
32 commissioner of the department of education shall submit a report on the provision of health
33 education by school districts to the joint committees on education and public health, the clerk of
34 the house and the clerk of the senate no later than January 1, 2012. The report shall include the
35 following information for each public school district in the Commonwealth: (1) Health
36 education requirements by grade level; (2)Health education curriculum offered by grade level;
37 (3)The training and professional development to teachers for each of the categories in the
38 curriculum frameworks listed in section 1D of Chapter 69 of the General Laws by grade level;
39 (4) The number of students who receive health education by grade level; (5)The number of
40 students who opt-out of any portion of the health education curriculum involving human
41 sexuality education; and (6) The approximate number of hours spent on each of the categories in
42 the curriculum frameworks listed in section 1D of chapter 69 of the General Laws by grade level.

43 SECTION 6. Consistent with the provisions of said section 1E of said chapter 69, the
44 Massachusettscomprehensive health curriculum framework shall be construed as a guide for
45 local school districts in the development and selection of curriculum, textbooks and instructional
46 materials.

47 SECTION 7. The department of education, in conjunction with the department of public
48 health, the Massachusetts department of education's AIDS advisory panel and experts on
49 sexuality education shall: (i) compile a list of evidence-based health education curricula, best
50 practices, resources and science-based research that are consistent with the centers for disease
51 control office of adolescent health evidence-based program models, the substance abuse and
52 mental health services administration national registry of evidence-based programs and practices
53 and national health education standards, that shall be made available to schools. The resources
54 may include, but shall not be limited to, print, audio, video or digital media; subscription based
55 online services; and on-site or technology-enabled professional development and training
56 sessions. The department shall biennially update the list of the resources, curricula, best practices
57 and research and shall post them on its website.

58 SECTION 8. The department of elementary and secondary education, in conjunction with
59 the department of health, shall issue a report detailing cost-effective ways for districts to provide
60 training and professional development to support medically accurate, age appropriate and
61 evidence-based health education pursuant to section 1D of Chapter 69 of the General Laws
62 provided, further, that the report shall: (i) include an option available at no cost to school
63 districts, charter schools, approved private day or residential schools and collaborative schools;
64 (ii) explore the feasibility of an option for a "train-the-trainer" model, so-called, with
65 demonstrated success and an option for online professional development; and (iii) include any
66 other options which may be cost effective; provided, further, that the report shall include a cost
67 estimate for professional development; and provided, further, that the report shall be provided to
68 the clerks of the senate and house of representatives not later than August 31, 2012; and
69 provided, further, that the clerks of the senate and house of representatives shall forward the
70 report to the chairs of the house and senate committees on ways and means and the house and
71 senate chairs of the joint committees on education and public health.

72 SECTION 9. Nothing in this act shall be construed to require an MCAS exam on health
73 education.

74 SECTION 10.The department of elementary and secondary education shall periodically
75 review school districts, charter schools, approved private day or residential schools and
76 collaborative schools to determine whether the districts and schools are in compliance with this
77 act.

78 SECTION 11. Consistent with the provisions of section 32A of chapter 71, every city,
79 town, regional school district or vocational school district implementing or maintaining
80 curriculum which primarily involves human sexual education or human sexuality issues shall
81 adopt a policy ensuring parental or guardian notification. Such policy shall afford parents or
82 guardians the flexibility to exempt their children from any portion of said curriculum through
83 written notification to the school principal. No child so exempted shall be penalized by reason of
84 such exemption. To the extent practicable, program instruction materials for said curriculum
85 shall be made reasonably accessible to parents, guardians, educators, school administrators, and
86 others for inspection and review.