SENATE DOCKET, NO. 1869 FILED ON: 1/21/2011

SENATE . . . . . No. 190

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 healthy youth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine M. Clark	*Middlesex and Essex*
Denise Andrews	*2nd Franklin*
Cory Atkins	*14th Middlesex*
Jennifer E. Benson	*37th Middlesex*
Harriette L. Chandler	☐ *[District]* ☐
Sonia Chang-Diaz	☐ *[District]* ☐
Thomas P. Conroy	*13th Middlesex*
Cynthia S. Creem	☐ *[District]* ☐
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Kenneth J. Donnelly	☐ *[District]* ☐

James B. Eldridge	☐ *[District]* ☐
Susan C. Fargo	☐ *[District]* ☐
Linda Dorcena Forry	*12th Suffolk*
Kay Khan	*11th Middlesex*
Jason M. Lewis	*31st Middlesex*
James J. O'Day	*14th Worcester*
Alice Hanlon Peisch	*14th Norfolk*
Denise Provost	*27th Middlesex*
Tom Sannicandro	*7th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Frank I. Smizik	*15th Norfolk*
Ellen Story	*3rd Hampshire*
Martha M. Walz	*8th Suffolk*

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By Ms. Clark, a petition (accompanied by bill, Senate, No. 190) of Katherine M. Clark, Denise Andrews, Cory Atkins, Jennifer E. Benson and other members of the General Court for legislation realtive to healthy youth. Education.

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 71 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after Section 32A the following:—

Section 32B. (1) For the purposes of this Act, the following terms shall have the following meanings:

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

"Department" means the Department of Elementary and Secondary Education.

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

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

Sexual health education under this section shall: teach the benefits of abstinence and delaying sexual activity; stress the importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS; teach students the skills to effectively negotiate and implement safer sexual activity; help students develop the relationship and communication skills to form healthy, respectful relationships free of violence, coercion, and intimidation and make healthy decisions about

21 relationships and sexuality; and be appropriate for students regardless of gender, race, disability
22 status, or sexual orientation.

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

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

29 The commissioner of education shall develop a list of sexual health education curricula
30 that are consistent with this section and the comprehensive health curriculum framework. This
31 list shall be intended to serve as a resource for schools, teachers, or any other organization or
32 community group, and shall be updated annually and made available on the department web site.
33 Any school district or public school that utilizes these curricula in a manner consistent with
34 section 32B(2) shall be presumed to be in compliance with this section.

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

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

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

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

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

52 (b) the approximate number of hours spent on sexual health education;

53 (c) the number of students receiving sexual health education; and

54 (d) the number of students who opt-out of sexual health education under the provisions of
55 section 32A of chapter 71.