

**HOUSE . . . . . No. 3793**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
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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 71 of the General Laws, as appearing in the 2012 Official Edition,  
2 is 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  
4 following meanings:

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

8           “Department” means the Department of Elementary and Secondary Education;

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

13           (2) Each school district or public school that offers sexual health education shall provide  
14 medically accurate, age-appropriate education. Sexual health education under this section shall:  
15 teach the benefits of abstinence and delaying sexual activity; stress the importance of effectively  
16 using contraceptives and barrier methods to prevent unintended pregnancy and sexually  
17 transmitted infections, including HIV/AIDS; teach students the skills to effectively negotiate and  
18 implement safer sexual activity; help students develop the relationship and communication skills  
19 to form healthy, respectful relationships free of violence, coercion, and intimidation and make  
20 healthy decisions about relationships and sexuality; and be appropriate for students regardless of  
21 gender, race, disability status, or sexual orientation.

22 (3) Any school district or public school that utilizes the curricula consistent with the  
23 Massachusetts comprehensive health curriculum framework shall be presumed to be in  
24 compliance with this section.

25 SECTION 2. Said Chapter 71 is hereby amended by striking out said section 32A in its  
26 entirety and inserting in place thereof the following section:-

27 Section 32A. Every city, town, regional school district or vocational school district  
28 implementing or maintaining curriculum, which primarily involves human sexual education or  
29 human sexuality issues shall adopt a written policy ensuring parental or legal guardian  
30 notification of the comprehensive sexual health education that the school will provide and the  
31 right of the parent or legal guardian to withdraw his or her child from all or part of the  
32 instruction, and the process by which said withdrawal is communicated to the school. Said policy  
33 shall also advise parents and legal guardians that instruction materials and related items for said  
34 curriculum shall be made reasonably accessible to parents and guardians for inspection and  
35 review, and shall specify when and where such materials will be available.

36 To the extent possible, such notification shall be provided in English and in the native  
37 language of the parents and legal guardians. If the arrangements for such instruction are made  
38 after the start of the school year, to the extent possible, this notification shall be sent out no later  
39 than 10 days prior to the start of instruction.

40 Students whose parents or legal guardians have withdrawn them from all or part of sexual  
41 health instruction shall not be subject to disciplinary action, academic penalty, or other sanction.  
42 An alternative educational activity shall be made available to students whose parents have  
43 excused them from the instruction.

44 SECTION 3. Section 1I of Chapter 69 of the General Laws, as appearing in the 2012  
45 Official Edition, is hereby amended by inserting at the end thereof the following:—

46 (a) No sooner than the academic year 2015-2016, each school district and  
47 Commonwealth charter school shall file a report regarding sexual health education in the district  
48 with the department every year by a date and in a format determined by the board. Said report  
49 shall include, but not be limited to, the following data for each public school district and  
50 Commonwealth charter school, by grade level:

- 51 a. a description of any sexual health education curricula 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 withdraw from sexual health education, pursuant to  
55 section 32A.