

HOUSE No. 3434

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

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 bill:

An Act relative to providing health education in schools.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|-------------------|
| Alice K. Wolf | 25th Middlesex |
| Tom Sannicandro | 7th Middlesex |
| William Lantigua | 16th Essex |
| William N. Brownsberger | 24th Middlesex |
| Pam Richardson | 6th Middlesex |
| Byron Rushing | 9th Suffolk |
| Rosemary Sandlin | 3rd Hampden |
| Denise Provost | 27th Middlesex |
| Cleon H. Turner | 1st Barnstable |
| Ellen Story | 3rd Hampshire |
| Frank I. Smizik | 15th Norfolk |
| Stephen Kulik | 1st Franklin |
| Denis E. Guyer | 2nd Berkshire |
| Barbara A. L'Italien | 18th Essex |
| Matthew C. Patrick | 3rd Barnstable |
| Katherine Clark | 32nd Middlesex |
| Bill Bowles | 2nd Bristol |
| Harriette L. Chandler | First Worcester |
| Peter v. Kocot | 1st Hampshire |

| | |
|--------------------------|-------------------------|
| Kay Khan | 11th Middlesex |
| Elizabeth A. Malia | 11th Suffolk |
| John D. Keenan | 7th Essex |
| Jay R. Kaufman | 15th Middlesex |
| Ruth B. Balser | 12th Middlesex |
| Martin J. Walsh | 13th Suffolk |
| Christine E. Canavan | 10th Plymouth |
| John P. Fresolo | 16th Worcester |
| David P. Linsky | 5th Middlesex |
| Steven M. Walsh | 11th Essex |
| John W. Scibak | 2nd Hampshire |
| Jennifer L. Flanagan | Worcester and Middlesex |
| Michael J. Moran | 18th Suffolk |
| James B. Eldridge | Middlesex and Worcester |
| Timothy J. Toomey, Jr. | 26th Middlesex |
| Linda Dorcena Forry | 12th Suffolk |
| Sarah K. Peake | 4th Barnstable |
| Carl M. Sciortino, Jr. | 34th Middlesex |
| Cheryl A. Coakley-Rivera | 10th Hampden |
| Anne M. Gobi | 5th Worcester |
| Mark V. Falzone | 9th Essex |
| Martha M. Walz | 8th Suffolk |
| Jennifer M. Callahan | 18th Worcester |
| Cory Atkins | 14th Middlesex |
| Kate Hogan | 3rd Middlesex |
| Jonathan Hecht | 29th Middlesex |
| James J. O'Day | 14th Worcester District |
| Louis L. Kafka | 8th Norfolk |
| Barry R. Finegold | 17th Essex |
| Jason Lewis | 31st Middlesex |
| Mary E. Grant | 6th Essex |
| Paul McMurtry | 11th Norfolk |
| Lori Ehrlich | 8th Essex |
| Steven J. D'Amico | 4th Bristol |
| Sean Garballey | 23rd Middlesex |
| Thomas P. Conroy | 13th Middlesex |
| Alice Hanlon Peisch | 14th Norfolk |
| Lida E. Harkins | 13th Norfolk |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PROVIDING 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:

1 SECTION 1. Section 1D of chapter 69 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after the word “languages”, in line 6, the words:— , health
3 education.

4 SECTION 2. Paragraph 3 of said section 1D of said chapter 69, as so appearing, is hereby further
5 amended by striking out the fourth sentence and inserting in place thereof the following sentence:— The
6 standards for health education shall be age-appropriate, medically accurate and shall, at minimum,
7 provide for instruction in the following areas: growth and physical development, physical activity and
8 fitness, nutrition, reproduction and sexuality, mental health, family life, interpersonal relationships,
9 disease prevention and control, safety and injury prevention, tobacco, alcohol, and other substance use
10 and abuse prevention, consumer health and resource management, ecological health, and community and
11 public health.

12 SECTION 3. Paragraph 14 of said section 1I of said chapter 69, as so appearing, is hereby amended by
13 adding the following clause:— (l) health education.

14 SECTION 4. The commissioner of education shall submit a report on the provision of health education by
15 school districts to the joint committee on education, the clerk of the house and the clerk of the senate no
16 later than January 1, 2010. The report shall include the following data for each public school in the
17 Commonwealth: health education requirements by grade level; health education curriculum offered by
18 grade level; the number of students who receive health education by grade level, the number of students
19 who opt-out of any portion of the health education curriculum involving human sexual education or
20 human sexuality issues; and approximate number of hours spent on each of the categories in the
21 curriculum frameworks listed in Section 2 of this bill by grade level.

22 SECTION 5. Consistent with the provisions of said section 1E of said chapter 69, the Massachusetts
23 Comprehensive Health Curriculum Framework shall be construed as a guide for local school districts in
24 the development and selection of curriculum, textbooks and instructional materials.

25 SECTION 6. Consistent with the provisions of section 32A of chapter 71, every city, town, regional
26 school district or vocational school district implementing or maintaining curriculum which primarily
27 involves human sexual education or human sexuality issues shall adopt a policy ensuring
28 parental/guardian notification. Such policy shall afford parents or guardians the flexibility to exempt their
29 children from any portion of said curriculum through written notification to the school principal. No child
30 so exempted shall be penalized by reason of such exemption. To the extent practicable, program
31 instruction materials for said curriculum shall be made reasonably accessible to parents, guardians,
32 educators, school administrators, and others for inspection and review.

33 SECTION 7. Nothing in this act shall be construed to require an MCAS exam on health education.

34 SECTION 8 The Foundation Budget must be re-evaluated in the categories of (1) Classroom and
35 Specialist Teachers, (2) Instructional Equipment, and (3) Professional Development to ensure sufficient
36 funding to provide the Health Education envisioned in the Frameworks and Section 2 above.

37 SECTION 9. This act shall take effect on July 1, 2009.