



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

## MFI Memo:

# Correcting Misinformation Surrounding Sexually Explicit Content in Schools

## Did you know?

Despite what you may hear from your local school principal, superintendent, or school committee, nothing in Massachusetts law requires schools to provide children with access to sexually explicit books or lessons.

## Here is what the law does say:

### 1. Sex Ed is not required in Massachusetts schools, and if a school adopts Sex Ed they must allow parents to opt their kids out.

Massachusetts law is clear that no school district is required to teach Sex Ed. If they choose to do so, the local district has full control over what curriculum they want to use. And parents always have the right to opt their child out of any lesson involving human sexuality issues.

<sup>1</sup>Visit <https://www.mafamily.org/sexed/> or contact MFI for more information about how to opt out.

### 2. While school curriculums must “encourage respect for the human and civil rights of all individuals,” they are not required to promote sexual activity to minors.

One of the most common excuses that parents hear when they confront school administrators about the sexually explicit content being shown to their children is “Sorry, this is required by Massachusetts law. Our hands are tied.”

This is simply not true. This excuse often comes up in the context of sexually explicit material involving LGBT themes. School administrators claim that they must allow this content as part of compliance with anti-bullying or civil rights laws. But what the law really says is that “public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation.”<sup>2</sup> Nothing in this law requires any curricular materials to be sexually explicit.

Allowing our kids to view sexually explicit books and lessons does not encourage respect for anyone, least of all themselves. When a school administrator tries to use this cop-out with you, don’t buy it. Demand that they remove the content from the curriculum.

### 3. School libraries have the legal right to refuse to provide inappropriate books to minor students.

School libraries may claim that they are obligated to provide children with sexually explicit books because not doing so would violate students’ First Amendment rights. Groups like the ACLU often cite a 1982 Supreme Court case called *Board of Education v. Pico* to force schools to accept explicit books.<sup>3</sup> But in reality, *Pico* was a plurality opinion, meaning that the opinion is not actually binding on schools. At most, *Pico* held that school libraries may not remove books from shelves solely because they disagree with the social or political ideas that they express. But the Court was also clear that libraries *can* remove books that are vulgar or otherwise inappropriate for minor students.

One final word of caution: School administrators may also reference Department of Elementary and Secondary Education (DESE) guidelines as an excuse for promoting sexual content in libraries or school curricula. But DESE guidelines don’t recommend that schools promote sexual content, and even if they did, they are not binding on schools.

Don’t let school administrators and librarians get away with these excuses. Hold them accountable for pushing sexually explicit books and lessons on minors by demanding change.

<sup>1</sup> M.G.L. c. 71 s. 32A.

<sup>2</sup> 603 C.M.R. 26.05(1)

<sup>3</sup> 457 U.S. 853