



MASSACHUSETTS FAMILY INSTITUTE

Dedicated to Strengthening the Family

MFI BRIEF

WHY WE SUPPORT THE OPT-IN FOR SEX ED

**HB587/HB463
AN ACT RELATIVE TO
SECURING PARENTAL
CONSENT FOR HUMAN
SEXUALITY EDUCATION**

Children should not be allowed to participate in sex education classes at school unless the school district has secured written permission from a parent or guardian consenting to their child's participation.

Requires School Districts to Adopt an Opt-In Policy for Sex Ed Classes

HB587, filed by State Representative Jeffrey Turco (D-Winthrop), would require school districts to adopt an opt-in policy for students to participate in human sexual education. This means that before a student would be allowed to participate in sex education lessons, the district would be required to secure written permission from the parent or guardian consenting to their child's participation. A similar bill HB463 was also filed by State Representative Dave DeCoste (R-Norwell).

If passed, these bills would:

- Require school districts to adopt a policy requiring written consent from parents or guardians for their child to participate in human sexual education.
- Require school districts to give notice to a parent or guardian and a request for their consent by U.S. mail, email, online form, text message, or phone call at least 21 days before a presentation involving human sexual education or human sexuality issues.
- Require the notice to a parent or guardian to explicitly identify the topics of abortion, birth control, and laws regarding minors' reproductive health when these topics are included.
- Require the notice to include the names of agencies students may be referred to for reproductive health issues, including birth control, abortion, and reproductive health services.
- Require school districts' websites to identify objectives related to abortion, birth control, and laws for minors' consent for reproductive healthcare services when these topics are included in "Health curriculum," "Wellness education," "Personal Responsibility Education Programs," and similar or related programs.

- Require the school district to pay \$500 to each aggrieved parent or guardian for each violation of this policy and for each child affected.

The difference between HB587 and HB463 is that the latter includes a penalty violation payment of \$2,500 to each aggrieved parent or guardian for each violation and for each child affected.

These bills should be supported for these reasons:

Currently, the MA law provides parents or guardians the ability to opt their child out from curriculum primarily involving human sexual education or human sexuality issues through written notification to the school principal.

The most serious problem with the opt-out rule is that a student must participate in sex education lessons unless their parent or guardian has submitted a letter to the school district stating that they want to opt them out. This policy increases the likelihood of student participation, potentially against their parents' or guardians' wishes since busy parents or guardians may miss the notification of upcoming sex education lessons and/or forget to submit a letter to remove their child from these lessons.

Conversely, the proposed legislation in HB587 and HB463 is an opt-in rule which means the default is that a student may not participate in sex education without express written consent given by a parent or guardian. **This policy respects parents and parental rights and ensures that only students whose parents or guardians desire them to participate in sex education lessons at school receive instruction in human sexuality and sexuality issues.**

Visit mafamily.org/takeaction to learn how to support these bills.

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