

## Bills filed for 2013 Legislative Session

### **1. Parents' Rights "Opt-In" Bill**

**HD 3179 [Rep. Beaton] An act regarding parental notification and consent.** This bill would eliminate loopholes in the current parents' rights law on human sexuality education (MGL Ch. 71, Sec. 32A). It is a strong opt-in bill that truly protects children and allows their parents a choice whether to enroll their child (or not) in any school course or program dealing with human sexuality (which now often includes graphic sexual materials as well as homosexual and transgender issues). It covers not only formal curriculum, but also counseling sessions, special events or assemblies, and student clubs.

### **2. Bill protecting schoolchildren and their families from surveys on private personal issues.**

**HD 2794 [Rep. Orrall] An act regarding surveys in public schools schools.** Currently, thousands of students in middle schools and high schools are asked to fill out surveys on private, personal issues without their parents' knowledge or consent. The surveys include questions about heterosexual and homosexual activity, sexual orientation, drug use, criminal activity, personal questions about family members, suicidal feelings and attempts, violence, etc. Many of these are administered by the Dept. of Elementary & Secondary Education (Youth Risk Behavior Survey) and the Dept. of Public Health (Mass. Youth Health Survey). About 9,000 students took the state surveys in 2011. In addition, many local school systems administer these (or similar) surveys on their own. The surveys are not scientifically grounded – relying on self-reporting by teenagers – yet are being used to design state policies. This bill would make all such surveys "opt-in" by parents. This bill would also prevent school personnel from administering individual "mental health screenings" (e.g., "Teen Screen") without parental consent.

### **3. Bill repealing the Buffer Zone around abortion clinics.**

**HD 1791 [Rep. Lombardo] An Act restoring Free Speech and Public Access.** This unconstitutional law needs to be repealed. The bill would ensure pro-life citizens their constitutional rights to free speech and assembly.

### **4. Bill disbanding the Commission on GLBT Youth.**

**HD 3195 [Rep. Lombardo] Relative to the protection of parents and children.** This state-funded Commission directs millions of dollars of taxpayer money advancing homosexual, bisexual, and transgender programs in the public schools (including "Gay-Straight Alliance" clubs in middle and high schools). It directs teens to GLBT advocacy and support groups (BAGLY, GLSEN, PFLAG, GLAD). The Commission is directed by controversial political activists. It advocates and coordinates GLBT programs throughout the many state agencies. (See [www.mass.gov/cgly](http://www.mass.gov/cgly).) While \$100K of state funding in FY2013 is earmarked specifically for the Commission staff, most of their efforts are funded in larger unspecified amounts and implemented via the Departments of Education and Public Health and other state agencies. One of its member sub-groups, BAGLY, also gets separate funding. (See the FY2013 final budget: <http://www.malegislature.gov/Budget/PriorBudget/2013>.)

### **5. Bill repealing the Transgender Rights and Hate Crimes law.**

**HD 1223 [Reps. Lombardo / Lyons] Relative to the term "gender identity" in the General Laws.** This law was rushed through in Nov. 2011 with no substantial debate. Among other things, it says employers, landlords, and a broad range of other entities may not discriminate on the basis of "gender identity." Fines and penalties may be levied by the Massachusetts Commission Against Discrimination against violators. It also applies to the public schools, requiring them to treat boys dressing as girls as if they were actually girls – including use of female locker rooms and restrooms, and participation on girls' athletic teams – and vice versa. Schools can't refuse to employ a teacher for cross-dressing (or transitioning) on the job. There are fines and/or punishment for anybody who complains or speaks out against transgenderism.

### **6. Bill to repeal the law that exempts schools from anti-pornography statutes (allowing distribution of materials harmful to children).**

**HD 1278 [Lombardo] Relative to the defense of the dissemination of harmful material to minors in a school.** Currently, schools are *exempt* from the statutes protecting children from pornography and other harmful materials. R-rated and X-rated materials are being assigned or distributed in some schools. Parents and children need protection.

### **7. Bill to include the Legislature in state open meeting laws.**

**HD 1160 [Rep. Hill] An act relative to the Open Meeting Law.** Currently, the legislature exempts itself, its committees, and commissions from the state's open meeting laws. Thus, there are a lot of secret meetings that shouldn't be allowed. At least one state Commission has intimidated citizens wishing to attend their public meetings.

## **LANGUAGE OF THE BILLS – Filed Jan. 2013**

Note: Below is the language that was submitted. In a few of the bills, the filed version may have been modified for legal accuracy.

- 1. HD 3179 An act regarding parental notification and consent**  
**Parental rights opt-in bill re: sexuality education and issues – SEE ATTACHMENT**

- 2. HD 2794 An act regarding surveys in public schools schools**  
**School surveys opt-in bill – SEE ATTACHMENT**

- 3. HD 1791 An Act restoring Free Speech and Public Access**  
**Repealing abortion clinic Buffer Zone law**

SECTION I. Chapter 266 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by repealing Section 120E1/2.

- 4. HD 3195 Relative to the protection of parents and children**  
**Disbanding Mass. Commission on GLBT Youth**

SECTION 1. Chapter 3 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by repealing Section 67.

- 5. HD 1223 Relative to the term “gender identity” in the General Laws**  
**Repealing Transgender Rights law**

SECTION 1. Chapter 199 of the Acts of 2011 is hereby repealed.

- 6. HD 1278 Relative to the defense of the dissemination of harmful material to minors in a school**

**[Repealing exemption of public schools from pornography laws.]**

SECTION 1: Section 28 of chapter 272, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 16, the word: - “school,”

SECTION 2: Section 29 of chapter 272, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 13, the word:- "school,"

SECTION 3: Section 29b of chapter 272, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 44, the word:- "school,"

- 7. HD 1160 An act relative to the Open Meeting Law**  
**[Include legislature in open meeting law]**

SECTION 1. Section 18 of Chapter 30A of the General Laws is hereby amended in the definition of “Public body” by striking the phrase, “the general court or the committees or recess commissions thereof.”

## Bill HD 3179

### AN ACT REGARDING PARENTAL NOTIFICATION AND CONSENT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 71, Section 32A of the General Laws is hereby revised as follows:

#### Section 32A. Human sexuality education; Requirements for parental notification and consent.

Every city, town, or regional school district, vocational school district, or charter school presenting, implementing, or maintaining school programs involving human sexuality issues and behaviors shall adopt and implement a written policy ensuring parental/guardian notification of such school programs and a description of their content.

All such school programs shall be offered only in clearly identified non-mandatory elective courses, units, or activities in which parents or guardians may choose to enroll their children through written notification to the school, in a manner reasonably similar to other elective courses, units, or activities offered by the school district.

The school shall make available instruction materials and related items with adequate advance notice to parents, guardians, educators, school administrators, and others for inspection and review. Through written request prior to a related special event or assembly held at school, parents or guardians shall be allowed access to monitor its content.

No public school teacher, administrator, or staff member shall be required to participate in any such school programs that violate his religious beliefs.

The term "human sexuality issues and behaviors" includes but is not limited to: sexual education, human reproductive system, pregnancy, contraception, abortion, sexually transmitted diseases, promiscuity, homosexuality, bisexuality, lesbianism, transsexuality, transgenderism, cross-dressing, gender re-assignment, sex change, opposite-sex hormone treatments, sodomy, oral sex, anal sex, masturbation, fornication, bestiality, pansexuality, pederasty, prostitution, polygamy, polyandry, bondage and discipline, and sadomasochism. It also includes issues, concepts, and relationships deriving from those issues and behaviors, including but not limited to sexual orientation, gender identity, gender stereotype, alternative parenting models, and non-traditional marriage and family constructs.

The term "school programs" includes but is not limited to any school sanctioned activity, or portion thereof directed toward students, whether on or off campus, whether during or outside school hours, whether organized, presented or directed by school employees, agents of the school, students, volunteers, outside presenters, or others. Such school programs include, but are not limited to, classes, curriculum, assemblies, outside speakers, workshops, theater productions, recognized student clubs, teacher/staff organizations meeting in the school including students, private or non-private counseling sessions, materials displayed or available in staff offices or classrooms, teachable moments, suggested or recommended (non-required) reading lists or assignments, videos, exhibits, posters, displays, public announcements, and handouts.

## Bill HD 2794

### AN ACT REGARDING SURVEYS IN THE PUBLIC SCHOOLS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 71 of the General Laws is hereby revised as follows, with the addition of Section 32B:

#### Section 32B. Student surveys regarding personal or private issues; Requirements for parental notification and consent

No student in any public elementary or secondary school, without the prior written consent of the parent or guardian, shall be requested or required to submit to a survey, analysis, or evaluation concerning personal issues including, but not limited to: (1) emotional and psychological concerns or issues, whether concerning the student or his family (including “mental health screenings”); (2) sexual behavior and attitudes; (3) illegal, anti-social, self-incriminating or demeaning behaviors; (4) feelings of victimization; (5) suicide attempts or ideation, or self-abuse; (6) birth control or abortion; (7) critical appraisals of other individuals with whom respondent has family relationships; (8) legally recognized privileged or analogous relationships, such as those with lawyers, physicians, therapists, and ministers; (9) political affiliations; or (10) income.

This will apply to all such surveys whether from a state or federal agency, whether administered in a classroom setting, by a school counselor, a school nurse, or school-based health center staff member. All such screenings, surveys, analyses, and evaluations shall be shall be made reasonably available with adequate advance notice to parents, guardians, educators, school administrators, and others for inspection and review prior to being administered.