

What does the law say schools have to do?

Over the summer, I have received a number of questions about implementation of Massachusetts General Laws, Chapter 71, Section 32A ("Section 32A"). These questions relate to the following provision:

Every city, town, regional school district or vocational school district implementing or maintaining curriculum which primarily involves human sexual education or human sexual issues shall adopt a policy ensuring parental/guardian notification. Such policy shall afford parents or guardians the flexibility to exempt their children from any portion of said curriculum through written notification to the school principal.

In Lexington, curriculum identified by the statute generally begins at the fifth-grade level. LPS has, of course, adopted a policy implementing Section 32A, and school staff routinely provide parents with notice and the flexibility to "opt out" of this curriculum.

Recently, questions have been raised as to whether school staff also has an obligation to notify parents and allow "opt out" of other school-based activities, par-



Guest
Commentary
Paul Ash

ticularly in the elementary grades. For example, some parents have requested they be notified whenever their child has access to any material, conversation, or activity that acknowledges differences in sexual orientation, including any reference to families with same-gender parents.

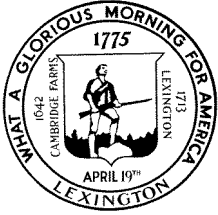
Since elementary curriculum often elicits discussion of family experiences, such references certainly may occur. In addition, our schools routinely provide students with access to materials, activities, and discussions that recognize diversity. This access is designed to assist us in our goal of maintaining an appropriate and respectful educational environment for all students. As required by law and LPS policy, this environment must be free of discrimination based on race, gender, color, religion, sexual orientation, national

origin and disability.

The Massachusetts Department of Education, which is responsible for administering Section 32A, has explained that activities and materials designed to promote tolerance and respect for individuals, including recognition of differences in sexual orientation "without further instruction on the physical and sexual implications" do not trigger the notice and opt out provisions of Section 32A. Under this standard, staff has no obligation to notify parents of discussions, activities, or materials that simply reference same-gender parents or that otherwise recognize the existence of differences in sexual orientation. Accordingly, I expect teachers to continue to allow children access to such activities and materials to the extent appropriate to children's ages, to district goals of respecting diversity, and to the curriculum.

As this new school year begins, I look forward to working with the Lexington community to provide a positive educational environment for all students.

Dr. Paul Ash is the superintendent of Lexington Public Schools.



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PRESS RELEASE

By Paul B. Ash, Ph.D., Superintendent of Schools

September 20, 2005

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Recently, questions have been raised as to whether school staff also has an obligation to notify parents and allow "opt out" of other school-based activities, particularly in the elementary grades. For example, some parents have requested they be notified whenever their child has access to any material, conversation, or activity that acknowledges differences in sexual orientation, including any reference to families with same-gender parents. Since elementary curriculum often elicits discussion of family experiences, such references certainly may occur. In addition, our schools routinely provide students with access to materials, activities, and discussions that recognize diversity. This access is designed to assist us in our goal of maintaining an appropriate and respectful educational environment for all students. As required by law and LPS policy, this environment must be free of discrimination based on race, gender, color, religion, sexual orientation, national origin, and disability.

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