**Overview**

The [2023 Comprehensive Health and Physical Education Framework](https://www.doe.mass.edu/frameworks/health/2023-09.docx) (CHPE Framework) includes [revisions](https://www.mass.gov/news/governor-healeys-new-comprehensive-health-and-physical-education-framework-receives-unanimous-approval#:~:text=State%20law%20%28G.L.%20c.%2071%2C%20%C2%A7%201%20and,including%20what%20curriculum%20and%20materials%20they%20will%20use.) that incorporate modern understandings of the importance of health and wellness. These revisions are inclusive, medically accurate, developmentally- and age-appropriate, and outline expectations for what students should know and be able to do at each stage of their education. State laws [G.L. c. 71, § 1](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section1) and [G.L. c. 71, § 3](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section3) require all public schools to teach health education and physical education, but school districts have discretion to determine how the CHPE Framework is implemented at the local level, including what curriculum and materials they will use.

**When is parental notification required?**

State law [G.L. c. 71, § 32A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section32a) requires schools to notify parents/guardians and gives them the right to exempt (opt out) their child from lessons, courses, and other instructional programs that **primarily involve human sexual education or human sexuality issues**. The parental notification and opt-out law reads in part as follows.

Every city, town, regional school district or vocational school district implementing or maintaining curriculum which primarily involves human sexual education or human sexuality 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. No child so exempted shall be penalized by reason of such exemption.

This law requires each school committee to adopt a policy and send it to each principal in the district bySeptember 1. It also requires school districts to send a copy of the policy to DESE. To the extent practicable, schools must make instructional materials for sex education curricula reasonably accessible to parents, guardians, educators, school administrators, and others for inspection and review. [G.L. c. 71, § 32A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section32a)has been in effect since 1997. With the adoption of the 2023 CHPE Framework, DESE offers this Quick Reference Guide on specific standards in the updated framework that fall under the parental notification and opt-out law.

**Which standards in the CHPE Framework fall under the parental notification and opt-out law?**

Because school districts have discretion to determine how the CHPE Framework is implemented at the local level, including which curriculum and materials they will use, school districts should consult with their own legal counsel for advice about whether the parental notification and opt-out law applies to a particular situation. Each situation depends on the facts. [State regulations](https://www.doe.mass.edu/lawsregs/603cmr5.html?section=all) provide for resolution by DESE only when these issues cannot be resolved by the parties at the local school or school district level.

To assist school districts and families, DESE has listed (below) specific standards in the CHPE Framework that clearly fall under the parental notification and opt-out law because these standards primarily involve human sexual education or human sexuality issues.

**Standards covered by the parental notification and opt-out law**

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|  Practice 6: Information / and Resource Seeking. | Sexual Health [5.6.SH] | 5. Explain the relationship between sexual intercourse and human reproduction, the range of ways pregnancy can occur, and valid and reliable resources for information or support related to these topics. [HE] |
| Practice 1: Decision-making and Problem-Solving. | Sexual Health [8.1.SH] | 3. Analyze ways to prevent pregnancy and sexually transmitted infections (STIs), including methods that can be taken before becoming sexually active (e.g., communicating with a partner, HPV vaccine, contraception). [HE] |
| Practice 1: Decision-making and Problem-Solving. | Sexual Health [8.1.SH] | 4. Describe possible short- and long-term consequences (positive and negative) of engaging in sexual activity and identify ways to avoid negative or potentially harmful consequences. [HE] |
| Practice 1: Decision-making and Problem-Solving. | Sexual Health [8.1.SH] | 5. Articulate the benefits of postponing sexual activity and setting personal limits, including to avoid early or unintended pregnancy and to reduce the risk of sexually transmitted infections, based on personal beliefs and values. [HE] |
| Practice 1: Decision-making and Problem-Solving. | Sexual Health [8.1.SH] | 6. Analyze personal beliefs (including level of readiness) and values related to sexual activity and sexual health. [HE] |
| Practice 1: Decision-making and Problem-Solving. | Sexual Health [8.1.SH] | 7. Explain the importance of, and ways to identify, setting personal limits to avoid unintended outcomes from risky or unwanted sexual behavior and to make sexual health decisions. [HE] |
| Practice 2: Self-management and Goal Setting. | Sexual Health [8.2.SH] | 1. Assess personal health practices and develop short- and long-term goals that support healthy sexual behaviors (e.g., abstinence, delay, use of contraception, use of barriers, giving and obtaining consent). [HE] |
| Practice 2: Self-management and Goal Setting. | Sexual Health [8.2.SH] | 2. Determine strategies that will reduce the risk of HIV and sexually transmitted infections (STIs) and early pregnancy. [HE] |
| Practice 2: Self-management and Goal Setting. | Sexual Health [8.2.SH] | 3. Examine reasons and considerations (e.g., cultural and societal norms, personal values and beliefs) for determining emotional readiness for sexual behaviors. [HE] |
| Practice 2: Self-management and Goal Setting. | Sexual Health [8.2.SH] | 4. Describe how sexual health values and priorities may change over time, with varying responsibilities and maturity. [HE] |
| Practice 1: Decision-making and Problem-solving. | Sexual Health [12.1.SH] | 3. Analyze factors that contribute to behaviors that increase the risk of pregnancy, HIV, and other STIs. [HE] |
| Practice 1: Decision-making and Problem-solving. | Sexual Health [12.1.SH] | 4. Explain the importance of STI (including HIV) testing and counseling if sexually active on short- and long-term health, identify where to get tested, and why it is important to proactively discuss STI status with a sexual partner. [HE] |
| Practice 1: Decision-making and Problem-solving. | Sexual Health [12.1.SH] | 5. Evaluate readiness, options, and their respective consequences regarding sexual activity in consensual relationships including abstinence, postponing sexual intercourse, engaging in safe sex practices (e.g., using condoms and other barriers, using birth control). [HE] |

**Does the law require schools to receive consent from parents/guardians before students may take a course or class involving sex education?**

No. The law requires schools to notify parents/guardians of curricula (lessons, courses, and other instructional programs) that primarily involve human sexual education or human sexuality issues, and of their right to opt out their children from any portion of these curricula. It further requires schools, to the extent practicable, to make program instruction materials for said curricula reasonably accessible to parents/guardians. The law does not require consent from parents/guardians before students may take a course or class involving sex education.

**What is included in the CHPE Framework about gender identity and sexual orientation?**

State law [G.L. c. 76, § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5) protects LGBTQ+ students from discrimination in Massachusetts public schools. Lessons may include learning the difference between gender identity and sexual orientation, how gender identity and sexual orientation can vary in each individual, how people may express their gender in different ways, and how to treat people with dignity, respect, and empathy when their gender identity and sexual orientation are different from one’s own.

**Resources**

* [2023 Comprehensive Health and Physical Education Framework](https://www.doe.mass.edu/frameworks/health/2023-09.docx)
* [DESE CHPE webpage](https://www.doe.mass.edu/stem/chpe/default.html)
* [Safe Schools for LGBTQ Students web page](https://www.doe.mass.edu/sfs/lgbtq/#:~:text=Training%20and%20Technical%20Assistance)
* [Commissioner Letter to district and school leaders](https://www.doe.mass.edu/news/news.aspx?id=26699)