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LEGISLATIVE TESTIMONY

TO: Joint Committee on Education
FROM: Edward F. Saunders, Jr., Esq., Executive Director
RE: S. 102/H. 1641—"An Act to Provide Health Education in Schools"
DATE: January 31, 2006

The Massachusetts Catholic Conference opposes S. 102/H. 1641 to the extent that this legislation creates a statewide mandate respecting sexuality education in the public schools.

The broader subject of "health education" includes many topics unobjectionable in nature and vital in content. We do not oppose health education in general.

Yet the Health Education Framework that this legislation would mandate for all public schools involves many controversial lesson objectives that may conflict with parental rights and the best interests of children.

Parents have a legitimate concern that, as a result of the proposed new mandate, the delicate subject of sexuality will assume a "one-size fits all" dimension that fails to take the individual needs of their children into account, and that inculcates values and ideological perspectives foreign and even hostile to their own.

Of further concern, the legislation fails to clarify what rights will remain with respect to parental opt-out decisions currently codified under M.G.L. chap. 71, sec. 32A. The statutory guarantee found therein, holding that "[n]o child so exempted [from attending objectionable sexuality education classes] shall be penalized by reason of such exemption," appears to conflict with the terms of M.G.L. chap. 69 as amended by S. 102/H. 1641.

Chapter 69 directs the Board of Education to "develop core standards," which would include those delineated in the Health Education Framework should the legislation before this committee pass. Such standards must "clearly set forth the skills, competencies and knowledge expected to be possessed by all students at the conclusion of individual grades or cluster of grades." M.G.L. ch. 69, sec. 1D (emphasis added).

In light of this language, children who do not participate in any of the lessons set forth in the Health Education Framework by virtue of parental opt-outs would not acquire the requisite "skills, competencies and knowledge" and then seemingly could be denied passage to the next grade level.

Thus, enactment of S. 102/H. 1641 would raise substantial legal questions about the continued applicability of the current parental opt-out guarantee.

(OVER)

Archdiocese of Boston—Dioceses of Fall River, Springfield, Worcester

Because it raises more questions than it answers, throwing a cloud over parental rights and the best interests of children, the Conference urges the Committee to give this legislation an adverse report.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.