HOUSE DOCKET, NO. 1931 FILED ON: 1/15/2025

HOUSE . . . . . No. 551

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Relative to Parental Rights in Education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David F. DeCoste	*5th Plymouth*	*1/15/2025*
John R. Gaskey	*2nd Plymouth*	*1/16/2025*

HOUSE DOCKET, NO. 1931 FILED ON: 1/15/2025

HOUSE . . . . . No. 551

By Representative DeCoste of Norwell, a petition (accompanied by bill, House, No. 551) of David F. DeCoste and John R. Gaskey relative to procedures for parental notification of changes to the mental, emotional, or physical health or well-being of students. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act Relative to Parental Rights in Education.

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

SECTION 1. Chapter 71of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting the following section: -

Section 32B.

(a) The school committee of every city, town, regional school district, or vocational school district shall adopt procedures for notifying a student's parent or guardian if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or guardian or to facilitate discussion of the issue with the parent. The procedures may not

prohibit parents from lawfully accessing any of their student's education and health records created, maintained, or used by the school district.

(b) The school committee of every city, town, regional school district, or vocational school district shall not adopt procedures or student support forms that prohibit school district personnel from notifying a parent or guardian about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent or guardian such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent or guardian if such personnel have reasonable cause to believe that disclosure would result in abuse or neglect, as those terms are defined by the regulations of the Department of Children and Families.

(c) Instruction by school personnel or third parties on sexual orientation or gender identity shall not occur in Kindergarten through Grade 3.

(d) At the beginning of the school year, each school district shall notify parents of each healthcare service offered at their student's school and the option to withhold consent or decline any specific service. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this paragraph.

(e) Before administering a questionnaire on student well-being or a health screening form to a student in Kindergarten through Grade 3, the school district must provide the questionnaire or health screening form to the parent or guardian and obtain the permission of the parent.

(f) Each school district shall adopt procedures for a parent or guardian to notify the principal, or his or her designee, regarding concerns under this section at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.

At a minimum, the procedures must require that within 30 days after notification by the parent or guardian that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.

If a concern is not resolved by the school district, a parent or guardian may:

(i) Appeal to the Commissioner of Education to resolve the concern; and/or

(ii) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this section and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent or guardian who receives declaratory or injunctive relief.

Each school district shall adopt policies to notify parents of the procedures required under this subparagraph. Nothing contained in this subparagraph shall be construed to abridge or alter any other rights of action or remedies in equity already existing under the common law or general law.

A government entity shall not substantially burden the fundamental rights of a parent or guardian as provided under this section unless the government entity demonstrates that the burden, as applied to the parent or guardian and the child, is required by a compelling governmental interest of the highest order and is the least restrictive means of furthering that compelling governmental interest.

SECTION 2. By June 30, 2027, the Department of Elementary and Secondary Education shall review and update, as necessary, school counseling frameworks and standards; educator practices and professional conduct principles; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this section.