

1572--A

2011-2012 Regular Sessions

I N   S E N A T E

January 10, 2011

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Introduced by Sens. OPPENHEIMER, DUANE, BRESLIN, KRUEGER, MONTGOMERY, PARKER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing the age-appropriate sex education grant program, to be referred to as the healthy teens act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative intent. The legislature finds and declares  
2     that New York state's teen pregnancy rate, 59.2 per 1000 female 15-19  
3     year olds as compared to the Healthy People 2010 goal of 43 cases per  
4     1000 female 15-19 year olds falls far too short of the public health  
5     expectation set by the Surgeon General. New York state had 40,000 teen  
6     pregnancies in 2006. In addition, according to the centers for disease  
7     control, 1 in 4 teenage girls has a sexually transmitted infection.  
8     This is true in New York state as well. Current research documents that  
9     individuals who receive early, comprehensive, age-appropriate, and  
10    scientifically accurate education in the health and other benefits of  
11    sexual abstinence, family planning, and birth control are more likely to  
12    delay sexual activity and engage later in such activity with a higher  
13    degree of responsibility and safety. Comprehensive sex education  
14    programs which complement parental involvement and instruction respect  
15    the diversity and values of our state and provide our youth at risk with  
16    the foundation to make responsibly informed choices. The earlier such  
17    programs are commenced on an age-appropriate curriculum basis, the more  
18    responsible will be the sexual activity decisions.  
19    Statistics within New York state communities show an increase in rates  
20    of sexually transmitted diseases among adolescents over the past several  
21    years.     Adolescents are the fastest growing population of new HIV/AIDS

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 cases. These increases place greater demand on the state's health care  
2 delivery system and require that we take immediate action and embark on  
3 a dedicated mission to provide targeted at-risk adolescents with a more  
4 concentrated sex education program with a significant parental compo-  
5 nent, designed to inform and instruct them on abstinence, protection and  
6 pregnancy prevention. Approximately 25 percent of new cases of sexually  
7 transmitted diseases each year occur among teenagers and two-thirds of  
8 such new cases occur among persons 15 to 24 years old. By age 24, at  
9 least one in three sexually active persons are estimated to have had a  
10 sexually transmitted disease. By way of example, the highest age-specif-  
11 ic gonorrhea rates among women and the third highest rates among men are  
12 in the 15 to 19 year old group.

13 It is the intent of the legislature that the age-appropriate sex  
14 education grant program established in this act provide at-risk adoles-  
15 cents with the information, assistance, skills and support to enable  
16 them to make responsible decisions, including abstaining from sexual  
17 intercourse and for those who do become sexually active, the use of  
18 condoms or contraceptives effectively.

19 S 2. This act shall be known and may be cited as the "healthy teens  
20 act".

21 S 3. The public health law is amended by adding a new article 14-A to  
22 read as follows:

#### 23 ARTICLE 14-A

#### 24 AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM

#### 25 SECTION 1450. DEFINITIONS.

26 1451. ESTABLISHMENT OF AGE-APPROPRIATE SEX EDUCATION GRANT  
27 PROGRAM; GENERAL COMPONENTS.

28 1452. AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM AWARDS.

29 1453. APPLICATION FOR GRANTS; AGE-APPROPRIATE SEX EDUCATION  
30 GRANT PROGRAM PLAN.

31 1454. MAINTENANCE OF EFFORT.

32 1455. ANNUAL REPORTS BY GRANT RECIPIENTS.

33 1456. NOTIFICATION TO POTENTIAL APPLICANTS.

34 1457. REGULATIONS.

35 S 1450. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING  
36 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

37 1. "ELIGIBLE APPLICANT" MEANS (A) A PUBLIC SCHOOL DISTRICT, (B) A  
38 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, (C) A SCHOOL-BASED HEALTH  
39 CENTER, (D) A COMMUNITY BASED ORGANIZATION WHICH MAY BE A FOR-PROFIT  
40 CORPORATION OR ENTITY OR NOT-FOR-PROFIT CORPORATION OR ORGANIZATION, OR  
41 (E) A CONSORTIUM OR PARTNERSHIP FORMED BY A PUBLIC SCHOOL DISTRICT, A  
42 BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND/OR A SCHOOL-BASED HEALTH  
43 CENTER AND ONE OR MORE COMMUNITY BASED ORGANIZATIONS WHICH QUALIFIES FOR  
44 THE AWARD OF AN AGE-APPROPRIATE SEX EDUCATION GRANT BY THE COMMISSIONER  
45 UNDER THIS ARTICLE.

46 2. "GRANT PROGRAM PLAN" MEANS THE PLAN SUBMITTED TO THE COMMISSIONER  
47 BY AN ELIGIBLE APPLICANT UNDER SECTION FOURTEEN HUNDRED FIFTY-ONE OF  
48 THIS ARTICLE.

49 3. "STATE INCOME STANDARD" MEANS THE MOST RECENT FEDERAL INCOME OFFI-  
50 CIAL POVERTY LINE AS DEFINED ANNUALLY AND REVISED BY THE FEDERAL OFFICE  
51 OF MANAGEMENT AND BUDGET ADJUSTED FOR FAMILY SIZE.

52 4. "AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM" MEANS A COMPREHENSIVE  
53 AGE-APPROPRIATE SEX EDUCATION PROGRAM CONDUCTED BY AN ELIGIBLE APPLICANT  
54 UNDER SECTION FOURTEEN HUNDRED FIFTY-ONE OF THIS ARTICLE.

55 5. "SCHOOL-BASED HEALTH CENTER" MEANS A CLINIC LICENSED UNDER ARTICLE  
56 TWENTY-EIGHT OF THIS CHAPTER, OR SPONSORED BY A FACILITY LICENSED UNDER

ARTICLE TWENTY-EIGHT OF THIS CHAPTER, WHICH PROVIDES PRIMARY CARE SERVICES WITHIN AN ELEMENTARY OR SECONDARY PUBLIC SCHOOL SETTING.

S 1451. ESTABLISHMENT OF AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM; GENERAL COMPONENTS. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT AN AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM. THE PROGRAM SHALL BE FORMULATED BY THE COMMISSIONER AFTER CONSULTATION WITH THE COMMISSIONER OF EDUCATION. THE PURPOSE OF THE PROGRAM SHALL BE TO PROVIDE GRANTS TO ELIGIBLE APPLICANTS TO SUPPORT AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAMS FOR YOUNG PEOPLE WHICH PROVIDES THEM WITH TOPICS OF INSTRUCTION IN THE COMPONENTS SET FORTH IN SUBDIVISION TWO OF THIS SECTION.

2. IN ORDER FOR AN ELIGIBLE APPLICANT TO RECEIVE AN AWARD OF AN ANNUAL GRANT UNDER SUBDIVISION THREE OF THIS SECTION, SUCH AN APPLICANT SHALL SUBMIT WITH ITS APPLICATION THE COMPONENTS OF INSTRUCTION WHICH SHALL BE OFFERED IN ITS AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM. THE COMMISSIONER SHALL DETERMINE CERTAIN TOPICS OF INSTRUCTION TO BE OPTIONAL FOR AGE-APPROPRIATE REASONS AS SHALL BE SPECIFIED BY THE COMMISSIONER IN APPLICATION INSTRUCTIONS MADE AVAILABLE BY THE DEPARTMENT FOR THE PURPOSES OF IMPLEMENTING THIS ARTICLE. IT IS NOT NECESSARY TO PROVIDE EQUAL EMPHASIS ON EACH COMPONENT OF INSTRUCTION, HOWEVER A PROJECT MAY NOT BE INCONSISTENT WITH ANY OF THE COMPONENTS. THE COMPONENTS OF INSTRUCTION SHALL INCLUDE WHETHER SUCH INSTRUCTION:

(A) IS AGE-APPROPRIATE AND MEDICALLY-ACCURATE;

(B) DOES NOT TEACH OR PROMOTE RELIGION, PROVIDED THAT THIS PARAGRAPH SHALL NOT PRECLUDE DISCUSSION OF MORAL, ETHICAL OR RELIGIOUS VIEWS RELATED TO SEX OR SEXUAL RELATIONSHIPS;

(C) TEACHES THAT ABSTINENCE IS THE ONLY SURE WAY TO AVOID PREGNANCY OR SEXUALLY TRANSMITTED DISEASES;

(D) STRESSES THE VALUE OF ABSTINENCE WHILE NOT IGNORING THOSE ADOLESCENTS WHO HAVE HAD OR WHO ARE HAVING SEXUAL INTERCOURSE;

(E) PROVIDES INFORMATION ABOUT THE HEALTH BENEFITS AND SIDE EFFECTS OF ALL CONTRACEPTIVES AND BARRIER METHODS AS A MEANS TO PREVENT PREGNANCY;

(F) PROVIDES INFORMATION ABOUT THE HEALTH BENEFITS AND SIDE EFFECTS OF ALL CONTRACEPTIVES AND BARRIER METHODS AS A MEANS TO REDUCE THE RISK OF CONTRACTING SEXUALLY TRANSMITTED DISEASES, HIV/AIDS AND OTHER DISEASES;

(G) PROVIDES INFORMATION ABOUT THE VACCINE FOR HUMAN PAPILLOMA VIRUS, WHICH MAY PREVENT CERVICAL CANCER, GENITAL WARTS, INFERTILITY, AND OTHER REPRODUCTIVE HEALTH PROBLEMS, WHEN ADMINISTERED PRIOR TO BECOMING SEXUALLY ACTIVE;

(H) ENCOURAGES FAMILY COMMUNICATION ABOUT SEXUALITY AMONG PARENTS, OTHER ADULT HOUSEHOLD MEMBERS AND CHILDREN;

(I) TEACHES SKILLS TO MAKE RESPONSIBLE DECISIONS ABOUT SEXUALITY, INCLUDING HOW TO AVOID UNWANTED VERBAL, PHYSICAL AND SEXUAL ADVANCES, AND HOW NOT TO MAKE UNWANTED VERBAL, PHYSICAL AND SEXUAL ADVANCES;

(J) TEACHES HOW ALCOHOL AND DRUG USE CAN AFFECT RESPONSIBLE DECISION MAKING;

(K) HELPS YOUNG PEOPLE TO GAIN KNOWLEDGE ABOUT THE PHYSICAL, BIOLOGICAL AND HORMONAL CHANGES OF ADOLESCENCE AND SUBSEQUENT STAGES OF HUMAN MATURATION;

(L) DEVELOPS THE KNOWLEDGE AND SKILLS NECESSARY TO ENSURE AND PROTECT YOUNG PEOPLE WITH RESPECT TO THEIR SEXUAL AND REPRODUCTIVE HEALTH;

(M) ASSISTS YOUNG PEOPLE IN GAINING KNOWLEDGE ABOUT THE SPECIFIC INVOLVEMENT OF, AND RESPONSIBILITY OF BOTH MALES AND FEMALES IN SEXUAL DECISION MAKING;

(N) DEVELOPS HEALTHY ATTITUDES AND VALUES CONCERNING GROWTH AND DEVELOPMENT, BODY IMAGE, GENDER ROLES, SEXUAL ORIENTATION AND OTHER SUBJECTS;

1 (O) ENCOURAGES YOUNG PEOPLE TO PRACTICE HEALTHY LIFE SKILLS INCLUDING  
2 GOAL SETTING, DECISION MAKING, NEGOTIATION, AND COMMUNICATION AND STRESS  
3 MANAGEMENT;

4 (P) PROMOTES SELF-ESTEEM AND POSITIVE INTERPERSONAL SKILLS FOCUSING ON  
5 RELATIONSHIP SKILLS, INCLUDING PLATONIC, ROMANTIC, INTIMATE AND FAMILY  
6 RELATIONSHIPS AND INTERACTION AND HOW TO AVOID RELATIONSHIP ABUSE; AND

7 (Q) IS BASED ON THEORETICAL PROJECTS THAT HAVE BEEN DEMONSTRATED TO  
8 INFLUENCE HEALTH BEHAVIOR.

9 IT IS NOT NECESSARY FOR THE GRANTEE TO ADDRESS EVERY COMPONENT OF  
10 INSTRUCTION, HOWEVER, PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION ARE  
11 REQUIRED OF ALL APPLICANT PROGRAMS. NO PROGRAM MAY INCLUDE INFORMATION  
12 OR MESSAGES THAT CONTRADICT ANY OF THE COMPONENTS.

13 3. ANY ELIGIBLE APPLICANT MAY APPLY FOR, AND UPON APPROVAL OF THE  
14 APPLICATION BY THE COMMISSIONER, SHALL BE AWARDED AN ANNUAL SEX EDUCA-  
15 TION GRANT PROVIDED IT DEMONSTRATES IN THE GRANT PROGRAM PLAN SUBMITTED  
16 TO THE COMMISSIONER THAT:

17 (A) IT IS CAPABLE OF PROVIDING YOUNG PERSONS WITH AN EFFECTIVE SEX  
18 EDUCATION PROGRAM THAT SHALL BE MEANINGFUL, SUBSTANTIALLY INVOLVE  
19 PARENTS AND OTHER ADULTS AS FEASIBLE AND APPROPRIATE, AND SHALL BE  
20 CONDUCTED IN ACCORDANCE WITH THIS ARTICLE AND ANY REGULATIONS UNDER THIS  
21 ARTICLE;

22 (B) IF SUCH APPLICANT IS A COMMUNITY BASED ORGANIZATION, THAT IT HAS A  
23 PROVEN RECORD AND EXPERIENCE IN CONDUCTING MEANINGFUL AND SUCCESSFUL  
24 AGE-APPROPRIATE SEX EDUCATION PROGRAMS FOR AT LEAST FIVE YEARS PRIOR TO  
25 THE CALENDAR YEAR IN WHICH APPLICATION FOR THE GRANT IS MADE, AND THAT  
26 IT IS CAPABLE OF PROVIDING AN AGE-APPROPRIATE SEX EDUCATION PROGRAM TO A  
27 BROAD BASED SEGMENT OF THE YOUTH POPULATION WITH SPECIFIC EMPHASIS ON  
28 TARGETED AT-RISK YOUTHS IN SUCH ORGANIZATION'S SERVICE AREA. THE COMMIS-  
29 SIONER MAY SEEK AND HE OR SHE SHALL RECEIVE ANY PERTINENT INFORMATION OR  
30 REQUEST AND RECEIVE RECOMMENDATIONS AS TO SUCH COMMUNITY BASED ORGANIZA-  
31 TION'S INTERACTIONS OR PRIOR DEALINGS WITH ANY OTHER STATE OR LOCAL  
32 GOVERNMENTAL ENTITY, INCLUDING, BUT NOT LIMITED TO, ANY PUBLIC SCHOOL  
33 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES IN MAKING THE  
34 DETERMINATION REQUIRED BY THIS PARAGRAPH.

35 4. ALL MONIES PROVIDED IN GRANTS UNDER THIS ARTICLE SHALL BE IN ADDI-  
36 TION TO, AND NOT IN LIEU OF, ANY MONEYS HISTORICALLY APPROPRIATED FOR  
37 THE SAME OR SIMILAR PURPOSES AND SHALL NOT BE USED TO OFFSET OR REDUCE  
38 MONEYS PREVIOUSLY EXPENDED FOR SIMILAR PROGRAMS.

39 S 1452. AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM AWARDS. 1. WITHIN  
40 AMOUNTS APPROPRIATED THEREFOR, THE COMMISSIONER SHALL BE AUTHORIZED TO  
41 GRANT AWARDS FOR THE SUPPORT OF APPROVED AGE-APPROPRIATE SEX EDUCATION  
42 GRANT PROGRAMS.

43 2. GRANTS TO SUPPORT AN APPROVED AGE-APPROPRIATE SEX EDUCATION GRANT  
44 PROGRAM SHALL BE AWARDED ON A COMPETITIVE BASIS IN ACCORDANCE WITH  
45 CRITERIA ESTABLISHED BY THE COMMISSIONER.

46 3. THE DEPARTMENT SHALL, FROM WITHIN AMOUNTS APPROPRIATED TO THE  
47 DEPARTMENT, UNDERTAKE ALL ACTIVITIES NECESSARY TO PLAN FOR AND PRELIMI-  
48 NARILY PROVIDE FOR THE TIMELY IMPLEMENTATION OF THE AGE-APPROPRIATE SEX  
49 EDUCATION GRANT PROGRAM AUTHORIZED BY THIS ARTICLE FOR THE STATE FISCAL  
50 YEAR COMMENCING ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE.

51 4. NOT MORE THAN FIVE PERCENT OF ANY AMOUNTS MADE AVAILABLE BY APPRO-  
52 PRIATION IN ANY SINGLE FISCAL YEAR FOR THE AGE-APPROPRIATE SEX EDUCATION  
53 GRANT PROGRAM SHALL BE ANNUALLY RETAINED BY THE COMMISSIONER FOR THE  
54 ADMINISTRATIVE PURPOSES OF THE DEPARTMENT.

55 5. OF THE AMOUNTS MADE AVAILABLE BY APPROPRIATION FOR THE SEX EDUCA-  
56 TION GRANT PROGRAM, NOT MORE THAN FIVE PERCENT OF ANY FUNDS MADE BY SUCH

1 APPROPRIATION FOR THE STATE FISCAL YEAR COMMENCING THREE YEARS FOLLOWING  
2 THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE MADE AVAILABLE FOR PAYMENT  
3 TO A NATIONALLY RECOGNIZED AND ACCREDITED ORGANIZATION WITH EXPERIENCE  
4 IN ANALYZING THE EFFICACY AND BENEFITS OF SEX EDUCATION GRANT PROGRAMS  
5 FOR PURPOSES OF ENABLING SUCH ORGANIZATION TO EVALUATE THE TOTALITY OF  
6 THE GRANT PROGRAM AND GRANTS AWARDED IN THE TWO YEARS FOLLOWING THE  
7 EFFECTIVE DATE OF THIS ARTICLE. SIMILARLY, NOT MORE THAN FOUR PERCENT  
8 OF ANY FUNDS FOR THE STATE FISCAL YEAR COMMENCING FOUR YEARS FOLLOWING  
9 THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE MADE AVAILABLE FOR PAYMENT  
10 TO THE SAME ORGANIZATION WHICH WAS AWARDED THE INITIAL CONTRACT TO SO  
11 ANALYZE THE AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM FOR THE PURPOSE  
12 OF PROVIDING NECESSARY FUNDS TO THEM TO ANALYZE THE AGE-APPROPRIATE SEX  
13 EDUCATION GRANT PROGRAM FROM ITS INCEPTION THROUGH AND INCLUDING ALL THE  
14 GRANT YEAR PERIODS AUTHORIZED UNDER THIS ARTICLE. THE CONTRACT TO BE  
15 AWARDED TO SUCH ORGANIZATION SHALL BE LET ONLY AFTER A REQUEST FOR  
16 PROPOSAL HAS BEEN ISSUED BY THE DEPARTMENT IN THE MANNER PROVIDED FOR BY  
17 LAW, AND THE AWARD OF SUCH CONTRACT SHALL BE SUBJECT TO COMPETITIVE  
18 BIDDING REQUIREMENTS AS ALSO REQUIRED BY LAW. THE DEPARTMENT SHALL  
19 INCLUDE WITHIN THE REQUEST FOR PROPOSAL DETAILED CRITERIA OF EVALUATION  
20 TO BE EMPLOYED BY THE ORGANIZATION TO BE AWARDED THE BID. THE REQUEST  
21 FOR PROPOSAL SHALL ALSO ALLOW FOR A BIDDING ORGANIZATION TO SUBMIT ADDI-  
22 TIONAL EVALUATIVE CRITERIA THAT MAY BE UTILIZED BY THE ORGANIZATION  
23 AWARDED THE BID IF APPROVED BY THE DEPARTMENT. NOTWITHSTANDING ANY  
24 INCONSISTENT PROVISION OF THIS SUBDIVISION, THE REQUEST FOR PROPOSAL  
25 SHALL INCLUDE A PROVISION AUTHORIZING THE COMMISSIONER TO TERMINATE THE  
26 AWARDED CONTRACT TO THE SUCCESSFUL BIDDER WITH RESPECT TO THE CONDUCT OF  
27 THE SECOND EVALUATION OF THE GRANT PROGRAM FOR THE ENTIRE GRANT PERIOD  
28 AUTHORIZED UNDER THIS ARTICLE IF THE COMMISSIONER IS NOT SATISFIED WITH  
29 THE QUALITY OF EFFORT DEMONSTRATED BY SUCH BIDDER IN THE FIRST EVALU-  
30 ATION OF THE GRANT PROGRAM PERIOD. IN SUCH CASE, A SIMILAR REQUEST FOR  
31 PROPOSAL PROCEDURE SHALL BE UTILIZED FOR THE PURPOSE OF MAKING THE  
32 SECOND EVALUATION.

33 6. BEGINNING WITH THE SCHOOL YEAR IN JULY TWO YEARS FOLLOWING THE  
34 EFFECTIVE DATE OF THIS ARTICLE AND EVERY SCHOOL YEAR THEREAFTER, FROM  
35 ANY ANNUAL APPROPRIATIONS AND/OR REAPPROPRIATIONS MADE THEREFOR, THE  
36 COMMISSIONER SHALL SET ASIDE EIGHTY PERCENT OF THE MONEY SO APPROPRIATED  
37 (MINUS ANY AMOUNTS NECESSARY TO PAY ADJUSTMENT EXPENSES PURSUANT TO  
38 SUBDIVISIONS THREE, FOUR AND FIVE OF THIS SECTION) FOR THE PURPOSE OF  
39 AWARDING GRANTS FOR SEX EDUCATION GRANT PROGRAM PLANS APPROVED BY THE  
40 COMMISSIONER PURSUANT TO SECTION FOURTEEN HUNDRED FIFTY-THREE OF THIS  
41 ARTICLE TO BE CONDUCTED BY PUBLIC SCHOOL DISTRICTS AND/OR BOARDS OF  
42 COOPERATIVE EDUCATIONAL SERVICES INCLUDING THOSE PROGRAMS WHICH ARE  
43 GOING TO BE CONDUCTED IN ACCORDANCE WITH A PROGRAM PLAN PURSUANT TO  
44 CONSORTIUMS OR PARTNERSHIPS FORMED BY A PUBLIC SCHOOL DISTRICT AND/OR  
45 BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND A SCHOOL-BASED HEALTH  
46 CENTER OR ONE OR MORE COMMUNITY BASED ORGANIZATIONS. PRIORITY, SUBSTAN-  
47 TIAL CONSIDERATION AND WEIGHT SHALL BE ACCORDED BY THE COMMISSIONER IN  
48 THE AWARDING OF GRANTS TO SUCH CONSORTIUMS OR PARTNERSHIPS. SIMILARLY,  
49 THE COMMISSIONER SHALL SET ASIDE TWENTY PER CENTUM OF ANY APPROPRIATION  
50 FOR THE PURPOSE OF AWARDING GRANTS FOR AGE-APPROPRIATE SEX EDUCATION  
51 GRANT PROGRAM PLANS APPROVED BY THE COMMISSIONER FOR ELIGIBLE APPLICANTS  
52 WHO ARE COMMUNITY BASED ORGANIZATIONS OR SCHOOL-BASED HEALTH CENTERS  
53 WHICH ARE NOT CONDUCTING SUCH PROGRAM AS PART OF A CONSORTIUM OR PART-  
54 NERSHIP.

55 7. IN MAKING GRANTS UNDER THIS ARTICLE, THE COMMISSIONER SHALL ALSO  
56 GIVE SPECIAL CONSIDERATION AND WEIGHT TO: (A) THE NUMBER OF REPORTED

1 ADOLESCENT PREGNANCIES BY PERSONS RESIDING IN SUCH AREA OVER THE PREVI-  
2 OUS TEN YEARS AND THE NUMBER OF ADOLESCENT PARENTS, INCLUDING WHERE  
3 FEASIBLE, THE NUMBER OF SINGLE PARENTS, WHO CURRENTLY RESIDE IN SUCH  
4 AREA, (B) THE NUMBER OF REPORTED OCCURRENCES OF SEXUALLY TRANSMITTED  
5 DISEASES AND HIV/AIDS AMONG RESIDENTS OF THE AREA TO BE SERVED, WITH  
6 PARTICULAR EMPHASIS ON HIV/AIDS, (C) THE NUMBER OF PERSONS RESIDING IN  
7 THE AREA TO BE SERVED WHOSE ANNUAL PERSONAL INCOME IS LESS THAN ONE  
8 HUNDRED FIFTY PERCENT OF THE ESTABLISHED STATE INCOME STANDARD OR WHO  
9 PARTICIPATE IN THE FREE AND REDUCED PRICE LUNCH PROGRAM AS DEFINED IN  
10 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW,  
11 AND ANY OTHER GENERALLY AVAILABLE STATISTICAL DATA WHICH INDICATES THAT  
12 THE AREA TO BE SERVED IS ECONOMICALLY OR OTHERWISE DISADVANTAGED, (D)  
13 THE HIGH SCHOOL DROP OUT RATE IN THE AREA AS DETERMINED BY THE EDUCATION  
14 DEPARTMENT, AND (E) ANY OTHER GENERALLY AVAILABLE STATISTICAL DATA WHICH  
15 INDICATES THAT THE AREA TO BE SERVED IS IN NEED OF AN AGE-APPROPRIATE  
16 SEX EDUCATION PROGRAM.

17 S 1453. APPLICATION FOR GRANTS; AGE-APPROPRIATE SEX EDUCATION GRANT  
18 PROGRAM PLAN. 1. THE COMMISSIONER SHALL ESTABLISH AN APPLICATION PROCE-  
19 DURE BY WHICH ELIGIBLE APPLICANTS MAY APPLY FOR A GRANT PURSUANT TO THIS  
20 ARTICLE, AND THE MANNER AND METHOD INCLUDING SPECIFIED OBJECTIVE CRITE-  
21 RIA CONSISTENT WITH THIS ARTICLE BY WHICH THE COMMISSIONER SHALL DETER-  
22 MINE THE ELIGIBILITY OF AN APPLICANT.

23 2. THE ELIGIBLE APPLICANT SHALL SUBMIT WITH ITS AGE-APPROPRIATE SEX  
24 EDUCATION GRANT APPLICATION ITS GRANT PROGRAM PLAN TO THE COMMISSIONER,  
25 WHICH SHALL INCLUDE A DETAILED DESCRIPTION OF THE PROPOSED AGE-APPROPRI-  
26 ATE SEX EDUCATION PROGRAM, INCLUDING BUT NOT LIMITED TO:

27 (A) THE MANNER IN WHICH PARENTS AND OTHER ADULTS WILL BE INCLUDED IN  
28 THE PROGRAM;

29 (B) AN OUTLINE FOR THE CURRICULUM TO BE COVERED IN THE ELIGIBLE APPLI-  
30 CANT'S PROGRAM, INCLUDING THE INSTRUCTIONAL MATERIALS, BOOKS, VIDEOS OR  
31 OTHER INSTRUCTIONAL TOOLS TO BE USED AND THE TRAINING WHICH WILL BE  
32 PROVIDED TO TEACHERS, PERSONNEL AND VOLUNTEERS WHO WILL CONDUCT THE  
33 PROGRAM. SUCH CURRICULUM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, A  
34 COMPREHENSIVE BLOCK OF INSTRUCTION THAT STRESSES ABSTINENCE AS THE MOST  
35 EFFECTIVE AND APPROPRIATE PROTECTION AGAINST HIV/AIDS AND PREGNANCY AND  
36 WHICH CONTAINS WRITTEN AND ORAL INSTRUCTION ON THE PREVENTION OF SEXUAL-  
37 LY TRANSMITTED DISEASES. THE OTHER CORE ELEMENTS SHALL SATISFY A SIGNIF-  
38 ICANT NUMBER OF, OR PREFERABLY ALL OF, THE COMPONENTS OF AN AGE-APPRO-  
39 PRIATE SEX EDUCATION GRANT PROGRAM AS ESTABLISHED IN SECTION FOURTEEN  
40 HUNDRED FIFTY-ONE OF THIS ARTICLE;

41 (C) ANY SPECIAL, OR UNUSUAL OR INNOVATIVE SERVICES, PROGRAMS OR EDUCA-  
42 TION METHODS TO BE UTILIZED;

43 (D) THE NUMBER AND TYPES OF TEACHING OR OTHER PERSONNEL TO BE  
44 EMPLOYED, OR VOLUNTEERS TO BE USED, TOGETHER WITH THEIR PROFESSIONAL OR  
45 ACADEMIC CREDENTIALS;

46 (E) THE GEOGRAPHIC AREA IN WHICH THE PROPOSED PROGRAM WILL BE OFFERED  
47 AND A DESCRIPTION OF THE CATEGORIES AND AGE GROUPINGS OF AT-RISK ADOLES-  
48 CENTS INCLUDED IN SUCH PROGRAM, ALONG WITH AN ESTIMATE OF THE NUMBER OF  
49 ADOLESCENTS WHO THE APPLICANT ESTIMATES WILL PARTICIPATE IN SUCH  
50 PROGRAM;

51 (F) A DEMONSTRATION THAT THE PROPOSED PROGRAM IS ADEQUATE IN TERMS OF  
52 COURSE LENGTH AND IN TERMS OF BOTH SHORT TERM AND LONG-RANGE GOALS;

53 (G) THE NEED FOR SUCH PROGRAM IN THE PROPOSED AREA TO BE SERVED. IN  
54 DETERMINING SUCH NEED THE COMMISSIONER SHALL SPECIFICALLY CONSIDER THE  
55 FOLLOWING FACTORS AND GIVE SPECIAL ATTENTION TO PROGRAMS SERVICING AREAS  
56 WHICH HAVE A HIGHER THAN AVERAGE INCIDENCE IN ONE OR MORE OF THE FOLLOW-

1 ING ENUMERATED LIFE EXPERIENCES: (I) THE NUMBER OF REPORTED ADOLESCENT  
2 PREGNANCIES BY PERSONS RESIDING IN SUCH AREA OVER THE PREVIOUS TEN YEARS  
3 AND THE NUMBER OF ADOLESCENT PARENTS, INCLUDING WHERE FEASIBLE, THE  
4 NUMBER OF SINGLE PARENTS, WHO CURRENTLY RESIDE IN SUCH AREA, (II) THE  
5 NUMBER OF REPORTED OCCURRENCES OF SEXUALLY TRANSMITTED DISEASES AND  
6 HIV/AIDS AMONG RESIDENTS OF THE AREA TO BE SERVED, WITH PARTICULAR  
7 EMPHASIS ON HIV/AIDS, (III) THE NUMBER OF PERSONS RESIDING IN THE AREA  
8 TO BE SERVED WHOSE ANNUAL PERSONAL INCOME IS LESS THAN ONE HUNDRED FIFTY  
9 PERCENT OF THE ESTABLISHED STATE INCOME STANDARD OR WHO PARTICIPATE IN  
10 THE FREE OR REDUCED PRICE LUNCH PROGRAM AS DEFINED IN SUBDIVISION ONE OF  
11 SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW, AND ANY OTHER  
12 GENERALLY AVAILABLE STATISTICAL DATA WHICH INDICATES THAT THE AREA TO BE  
13 SERVED IS ECONOMICALLY OR OTHERWISE DISADVANTAGED, (IV) THE HIGH SCHOOL  
14 DROP OUT RATE IN THE AREA AS DETERMINED BY THE EDUCATION DEPARTMENT, AND  
15 (V) ANY OTHER GENERALLY AVAILABLE STATISTICAL DATA WHICH INDICATES THAT  
16 THE AREA TO BE SERVED IS IN NEED OF AN AGE-APPROPRIATE SEX EDUCATION  
17 PROGRAM;

18 (H) THE SUCCESS REALIZED BY AN ELIGIBLE APPLICANT IN REDUCING UNWANTED  
19 PREGNANCIES AND CASES OF SEXUALLY TRANSMITTED DISEASES, AS WELL AS  
20 REDUCING RISK BEHAVIOR, IN PROGRAMS PREVIOUSLY, OR CURRENTLY, CONDUCTED;  
21 AND

22 (I) ANY OTHER INFORMATION AS THE COMMISSIONER MAY REQUEST.

23 3. IN CONSIDERING APPLICATIONS SUBMITTED BY ELIGIBLE APPLICANTS, THE  
24 COMMISSIONER SHALL GIVE SPECIAL ATTENTION, AND GRANT PRIORITY TO APPLI-  
25 CATIONS SUBMITTED BY AN ELIGIBLE APPLICANT WHICH IS A PUBLIC SCHOOL  
26 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES WORKING IN CONSOR-  
27 TIUM OR PARTNERSHIP WITH ONE OR MORE COMMUNITY BASED ORGANIZATIONS OR  
28 SCHOOL-BASED HEALTH CENTERS, ESPECIALLY WHERE THE COMMUNITY BASED ORGAN-  
29 IZATION, ORGANIZATIONS OR SCHOOL-BASED HEALTH CENTERS HAS A DEMONSTRATED  
30 RECORD OF SUCCESS IN THE CONDUCT OF SEX EDUCATION PROGRAMS OF A SIMILAR  
31 NATURE TO THE SEX EDUCATION PROGRAM PROVIDED FOR IN THIS ARTICLE.

32 S 1454. MAINTENANCE OF EFFORT. ANY MONIES MADE AVAILABLE TO AN ELIGI-  
33 BLE APPLICANT SHALL NOT BE USED TO OFFSET OR REDUCE THE AMOUNT OF MONEYS  
34 PREVIOUSLY EXPENDED FOR THE SAME OR SIMILAR PROGRAMS IN A PRIOR YEAR,  
35 BUT SHALL BE USED TO SUPPLEMENT ANY PRIOR YEARS' EXPENDITURES. NO ELIGI-  
36 BLE APPLICANT SHALL REDUCE ANY SUBSEQUENT YEARS' EXPENDITURES FOR THE  
37 SAME OR SIMILAR PROGRAMS AS A RESULT OF RECEIVING ANY GRANT, OR INCREASE  
38 IN THE AMOUNT OF ANY PRIOR AWARDED GRANT, PURSUANT TO THIS ARTICLE.

39 S 1455. ANNUAL REPORTS BY GRANT RECIPIENTS. 1. EVERY ELIGIBLE APPLI-  
40 CANT THAT HAS BEEN AWARDED A GRANT UNDER THIS ARTICLE SHALL FILE AN  
41 ANNUAL REPORT WITH THE COMMISSIONER, IN SUCH FORM AND WITH SUCH DATA AS  
42 THE COMMISSIONER PRESCRIBES DETAILING THE EXPENDITURE OF GRANT FUNDS,  
43 TOGETHER WITH AN ANALYSIS OF THE AGE-APPROPRIATE SEX EDUCATION GRANT  
44 PROGRAM IT CONDUCTED, WITH A SUMMARY OF ITS SUCCESS OR FAILURES IN  
45 ALTERING ATTITUDES REGARDING THE MERITS OF SEXUAL ABSTINENCE AS WELL AS  
46 IN PREVENTING UNWANTED PREGNANCIES, SEXUALLY TRANSMITTED DISEASES AND  
47 HIV/AIDS.

48 2. THE COMMISSIONER SHALL ON OR BEFORE FEBRUARY FIRST IN EACH YEAR,  
49 SUBMIT A REPORT ON THE PROGRAM TO THE GOVERNOR, THE TEMPORARY PRESIDENT  
50 OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY CONTAINING HIS OR HER  
51 FINDINGS AND RECOMMENDATIONS. IN THE REPORT SUBMITTED IN THE FOURTH YEAR  
52 AND THE SIXTH YEAR FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE RESPEC-  
53 TIVELY, THE COMMISSIONER SHALL ALSO INCLUDE THE EVALUATION OF THE  
54 PROGRAM AS PRESENTED BY THE ACCREDITED ORGANIZATION IN ACCORDANCE WITH  
55 SECTION FOURTEEN HUNDRED FIFTY-TWO OF THIS ARTICLE.

1 S 1456. NOTIFICATION TO POTENTIAL APPLICANTS. THE COMMISSIONER SHALL  
2 TIMELY SEND TO EVERY PUBLIC SCHOOL DISTRICT AND BOARD OF COOPERATIVE  
3 EDUCATIONAL SERVICES AND TO EVERY REQUESTING COMMUNITY BASED ORGANIZA-  
4 TION OR SCHOOL-BASED HEALTH CENTER A COPY OF THIS ARTICLE AND GENERAL  
5 INFORMATION RELATING TO THE AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM  
6 AND THE APPLICATION PROCESS THEREFOR.

7 S 1457. REGULATIONS. THE COMMISSIONER SHALL PROMULGATE REGULATIONS AS  
8 SHALL BE REASONABLY NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS ARTI-  
9 CLE.

10 S 4. Severability. If any provision of this act, or any application  
11 of any provision of this act, is held to be invalid, that shall not  
12 affect the validity or effectiveness of any other provision of this act,  
13 or of any other application of any provision of this act.

14 S 5. This act shall take effect immediately.