

9057

I N A S S E M B L Y

January 20, 2016

Introduced by M. of A. CURRAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the creation of the New York state textbook commission and the use of unapproved books and instructional materials

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

1 Section 1. The education law is amended by adding a new section 701-a
2 to read as follows:
3 S 701-A. NEW YORK STATE TEXTBOOK COMMISSION. 1. THERE IS HEREBY
4 CREATED THE NEW YORK STATE TEXTBOOK COMMISSION WHICH SHALL HAVE THE
5 AUTHORITY TO PREPARE A LIST OF APPROVED STANDARD EDITIONS OF TEXTBOOKS
6 ENSURING SUCH TEXTBOOKS ARE FREE OF ANY SLANTED BIAS TOWARD PRO-ISLAMIC
7 TRADITIONS, ANTI-SEMITISM , ANTI-JUDEO CHRISTIAN VALUES AND RACISM, AND
8 SUCH TEXTBOOKS ARE TO BE ADOPTED BY LOCAL BOARDS OF EDUCATION FOR THE
9 USE IN PUBLIC SCHOOLS OF THE STATE. SUCH COMMISSION SHALL CONSIST OF
10 THIRTEEN MEMBERS WHO SHALL BE APPOINTED NO LESS THAN SIXTY DAYS AFTER
11 THE EFFECTIVE DATE OF THIS SECTION. THE MEMBERS SHALL BE APPOINTED AS
12 FOLLOWS: (I) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM
13 SHALL BE THE COMMISSIONER; (II) ONE MEMBER SHALL BE APPOINTED BY THE
14 TEMPORARY PRESIDENT OF THE SENATE; (III) ONE MEMBER SHALL BE APPOINTED
15 BY THE SPEAKER OF THE ASSEMBLY; (IV) ONE MEMBER SHALL BE APPOINTED BY
16 THE MINORITY LEADER OF THE SENATE; (V) ONE MEMBER SHALL BE APPOINTED BY
17 THE MINORITY LEADER OF THE ASSEMBLY; (VI) THREE MEMBERS SHALL BE
18 APPOINTED BY THE PRESIDENT OF NEW YORK STATE UNITED TEACHERS, ONE OF
19 WHOM MUST BE A TEACHER FOR GRADES PRE-KINDERGARTEN THROUGH SECOND, ONE
20 OF WHOM MUST BE A TEACHER FOR GRADES THREE THROUGH EIGHT, AND ONE OF
21 WHOM MUST BE A TEACHER FOR GRADES NINE THROUGH TWELVE; (VII) ONE MEMBER
22 SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE SCHOOL ADMINISTRA-
23 TORS ASSOCIATION OF NEW YORK STATE; (VIII) ONE MEMBER SHALL BE APPOINTED
24 BY THE PRESIDENT OF THE NEW YORK STATE PARENT TEACHER ASSOCIATION; (IX)
25 ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW YORK
26 STATE COUNCIL OF SCHOOL SUPERINTENDENTS; AND (X) ONE MEMBER SHALL BE

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

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1 APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE SCHOOL BOARDS ASSOCI-
2 ATION.

3 2. NO MEMBER OF THE COMMISSION SHALL BE DISQUALIFIED FROM HOLDING ANY
4 PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE
5 OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT PURSUANT TO THIS
6 SECTION. MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR
7 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
8 INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS PURSUANT TO THIS SECTION.

9 3. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR AND LEADERS OF THE
10 LEGISLATURE SHALL HAVE TWO YEAR TERMS. THE MEMBERS FIRST APPOINTED BY
11 THE PRESIDENT OF THE NEW YORK STATE UNITED TEACHERS SHALL HAVE THREE
12 YEAR TERMS. THE MEMBER FIRST APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
13 SCHOOL ADMINISTRATORS ASSOCIATION OF NEW YORK STATE AND THE PRESIDENT OF
14 THE NEW YORK STATE PARENT TEACHER ASSOCIATION SHALL HAVE TWO YEAR TERMS.
15 THE MEMBERS FIRST APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW YORK
16 STATE COUNCIL OF SCHOOL SUPERINTENDENTS AND THE PRESIDENT OF THE NEW
17 YORK STATE SCHOOL BOARDS ASSOCIATION SHALL HAVE ONE YEAR TERMS. EACH
18 SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF THREE YEARS.

19 4. A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHOR-
20 ITY ONLY FOR GOOD CAUSE, AFTER NOTICE AND OPPORTUNITY TO BE HEARD.
21 VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

22 5. SUCH COMMISSION SHALL MEET AT LEAST QUARTERLY. AT THE FIRST REGULAR
23 MEETING IN EACH CALENDAR YEAR, THE MEMBERS OF THE COMMISSION SHALL ELECT
24 A CHAIR FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE
25 EXPIRES, WHICHEVER PERIOD IS SHORTER. SPECIAL MEETINGS MAY BE CALLED BY
26 THE CHAIR. THE MEETING PLACE OF ALL REGULAR OR SPECIAL MEETINGS SHALL BE
27 MADE AVAILABLE TO THE PUBLIC IN ADVANCE OF SUCH MEETINGS. NINE MEMBERS
28 OF THE COMMISSION SHALL CONSTITUTE A QUORUM.

29 6. THE COMMISSIONER OF EDUCATION AND DESIGNATED EMPLOYEES OF THE STATE
30 EDUCATION DEPARTMENT SHALL ASSIST THE COMMISSION BY PROVIDING MANDATORY
31 TRAINING TO NEWLY APPOINTED MEMBERS ON THE TEXTBOOK REVIEW PROCESS AND
32 THE COMPLETION OF THEIR ASSIGNED TASKS.

33 7. THE COMMISSION, THROUGH ITS CHAIR, MAY RECRUIT AND APPOINT AN ADVI-
34 SORY PANEL OF EXPERT TEACHERS AND OTHER EXPERTS IN EACH SUBJECT AREA OR
35 GRADE LEVEL TO ADVISE THE COMMISSION OF BOOK SELECTIONS.

36 8. THE COMMISSION AND ADVISORY PANEL SHALL PERFORM A THOROUGH AND
37 TIMELY REVIEW OF ALL ASSIGNED TEXTBOOKS TO EXAMINE WHETHER THE TEXT-
38 BOOKS:

- 39 A. CONFORM TO THE STANDARDS FOR ITS SUBJECT AREA OR GRADE LEVEL;
- 40 B. ARE FREE OF ANY CLEAR, SUBSTANTIVE, FACTUAL OR GRAMMATICAL ERRORS;
- 41 C. REFLECT THE VALUES OF THE CITIZENS OF THIS STATE AS MANIFESTED IN
42 THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF NEW YORK;
- 43 D. ACCURATELY AND COMPREHENSIVELY PORTRAY THE FULL RANGE OF DIVERSITY
44 AND ACHIEVEMENT OF RACIAL AND ETHNIC MINORITIES AS WELL AS THE ROLE AND
45 IMPORTANCE OF RELIGION OF HISTORY;
- 46 E. ARE FREE OF ANY SLANTED BIAS TOWARD PRO-ISLAMIC TRADITIONS,
47 ANTI-SEMITISM, ANTI-JUDEO CHRISTIAN VALUES AND RACISM; AND
- 48 F. PROVIDE ACCURATE FACTS AND AMERICAN VALUES WHILE PROTECTING THE
49 HUMAN RIGHTS OF ALL STUDENTS.

50 9. EACH TEXTBOOK PROPOSED FOR APPROVAL SHALL BE REVIEWED BY MULTIPLE
51 MEMBERS OF THE COMMISSION. IT IS THE DUTY OF THE COMMISSION TO PREPARE A
52 LIST OF STANDARD EDITIONS OF TEXTBOOKS FOR APPROVAL BY THE STATE EDUCA-
53 TION DEPARTMENT FOR USE IN THE PUBLIC SCHOOLS OF THE STATE. THE COMMIS-
54 SION SHALL PREPARE A LIST OF AT LEAST FOUR BOOKS IN EACH SUBJECT AND
55 GRADE FOR WHICH TEXTBOOKS ARE TO BE ADOPTED. THE PROPOSED TEXTBOOK LIST
56 SHALL BE POSTED ON THE WEBSITE OF THE STATE EDUCATION DEPARTMENT BY JUNE

1 THIRTIETH OF EACH YEAR FOR ADOPTION BY LOCAL BOARDS OF EDUCATION BY THE
2 FOLLOWING SCHOOL YEAR.

3 S 2. Subdivision 1 of section 701 of the education law, as amended by
4 chapter 587 of the laws of 1973, is amended to read as follows:

5 1. In the several cities and school districts of the state, boards of
6 education, trustees or such body or officer as perform the functions of
7 such boards, shall designate text-books to be used in the schools under
8 their charge SO LONG AS SUCH TEXTBOOKS ARE DEEMED APPROPRIATE BY THE NEW
9 YORK STATE TEXTBOOK COMMISSION.

10 S 3. The education law is amended by adding a new section 706 to read
11 as follows:

12 S 706. USE OF UNAPPROVED BOOKS AND INSTRUCTIONAL MATERIALS. NO TEACH-
13 ER, PRINCIPAL OR OTHER INSTRUCTIONAL PERSON SHALL USE OR PERMIT TO BE
14 USED ANY SUPPLEMENTAL TEXTBOOKS OR INSTRUCTIONAL MATERIALS WITHOUT THE
15 AUTHORIZED CONSENT OF THE NEW YORK STATE TEXTBOOK COMMISSION.

16 S 4. This act shall take effect immediately.