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I N  A S S E M B L Y

March 22, 2012

Introduced by M. of A. NOLAN, JAFFEE, LIFTON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing schools to offer instruction or education programs in sexual health

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

Section 1. The education law is amended by adding a new section 804-e to read as follows:

S 804-E. SEXUAL HEALTH EDUCATION. 1. ALL SCHOOLS UNDER THE JURISDICTION OF THE STATE EDUCATION DEPARTMENT MAY OFFER INSTRUCTION OR EDUCATION PROGRAMS IN SEXUAL HEALTH. A SCHOOL DISTRICT OR SCHOOL THAT ELECTS TO PROVIDE INSTRUCTION OR EDUCATION PROGRAMS IN SEXUAL HEALTH, WHETHER TAUGHT BY SCHOOL DISTRICT PERSONNEL OR OUTSIDE CONSULTANTS, SHALL ASSURE THAT ITS SEXUAL HEALTH INSTRUCTION OR EDUCATION PROGRAMS ARE AGE-APPROPRIATE AND MEDICALLY ACCURATE.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "AGE APPROPRIATE" MEANS CONTAINING TOPICS, MESSAGES AND TEACHING METHODS SUITABLE TO PARTICULAR AGES OR AGE GROUPS OF CHILDREN AND ADOLESCENTS, BASED ON DEVELOPING COGNITIVE, EMOTIONAL AND BEHAVIORAL CAPACITY TYPICAL FOR THE AGE OR AGE GROUP; AND (B) "MEDICALLY ACCURATE" MEANS SUPPORTED BY PEER-REVIEWED SCIENCE OR MEDICINE RESEARCH CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC METHODS AND RECOGNIZED AS ACCURATE BY THE CENTERS FOR DISEASE CONTROL.

3. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL IDENTIFY AND MAKE AVAILABLE TO THE SCHOOL DISTRICTS AND SCHOOLS CURRICULA THAT ARE MEDICALLY ACCURATE AND AGE-APPROPRIATE FOR EACH AGE GROUP OF STUDENTS. SUCH CURRICULA SHALL BE PUBLISHED ON THE WEBSITE OF THE DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION AND SHALL BE UPDATED AS DETERMINED NECESSARY BY THE COMMISSIONER.

4. A SCHOOL DISTRICT OR SCHOOL THAT ELECTS TO OFFER SEXUAL HEALTH EDUCATION SHALL MAKE ITS CURRICULUM OR CURRICULA AVAILABLE TO A STUDENT'S PARENT OR GUARDIAN UPON REQUEST. A PARENT OR GUARDIAN OF A STUDENT MAY FILE A WRITTEN REQUEST WITH THE PRINCIPAL OF THE SCHOOL WHICH THE STUDENT ATTENDS TO EXCUSE THE STUDENT FROM PARTICIPATION IN

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

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ANY PART OR ALL OF SEXUAL HEALTH EDUCATION. THERE SHALL BE NO DISCIPLINARY ACTION, ACADEMIC PENALTY OR OTHER SANCTION AGAINST ANY STUDENT EXCUSED FROM PARTICIPATION IN SEXUAL HEALTH EDUCATION.

S 2. This act shall take effect on July 1, 2013; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.