S T A T E O F N E W Y O R K

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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:

Section 1. The education law is amended by adding a new section 701-a to read as follows:

S 701-A. NEW YORK STATE TEXTBOOK COMMISSION. 1. THERE IS HEREBY CREATED THE NEW YORK STATE TEXTBOOK COMMISSION WHICH SHALL HAVE THE AUTHORITY TO PREPARE A LIST OF APPROVED STANDARD EDITIONS OF TEXTBOOKS ENSURING SUCH TEXTBOOKS ARE FREE OF ANY SLANTED BIAS TOWARD PRO-ISLAMIC TRADITIONS, ANTI-SEMITISM , ANTI-JUDEO CHRISTIAN VALUES AND RACISM, AND SUCH TEXTBOOKS ARE TO BE ADOPTED BY LOCAL BOARDS OF EDUCATION FOR THE USE IN PUBLIC SCHOOLS OF THE STATE. SUCH COMMISSION SHALL CONSIST OF THIRTEEN MEMBERS WHO SHALL BE APPOINTED NO LESS THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS: (I) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL BE THE COMMISSIONER; (II) ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; (III) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; (VI) THREE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF NEW YORK STATE UNITED TEACHERS, ONE OF WHOM MUST BE A TEACHER FOR GRADES PRE-KINDERGARTEN THROUGH SECOND, ONE OF WHOM MUST BE A TEACHER FOR GRADES THREE THROUGH EIGHT, AND ONE OF WHOM MUST BE A TEACHER FOR GRADES NINE THROUGH TWELVE; (VII) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE SCHOOL ADMINISTRATORS ASSOCIATION OF NEW YORK STATE; (VIII) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE PARENT TEACHER ASSOCIATION; (IX) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW YORK 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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APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE SCHOOL BOARDS ASSOCIATION.

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

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

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

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

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

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

8. THE COMMISSION AND ADVISORY PANEL SHALL PERFORM A THOROUGH AND TIMELY REVIEW OF ALL ASSIGNED TEXTBOOKS TO EXAMINE WHETHER THE TEXTBOOKS:

A. CONFORM TO THE STANDARDS FOR ITS SUBJECT AREA OR GRADE LEVEL;

B. ARE FREE OF ANY CLEAR, SUBSTANTIVE, FACTUAL OR GRAMMATICAL ERRORS;

C. REFLECT THE VALUES OF THE CITIZENS OF THIS STATE AS MANIFESTED IN THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF NEW YORK;

D. ACCURATELY AND COMPREHENSIVELY PORTRAY THE FULL RANGE OF DIVERSITY AND ACHIEVEMENT OF RACIAL AND ETHNIC MINORITIES AS WELL AS THE ROLE AND IMPORTANCE OF RELIGION OF HISTORY;

E. ARE FREE OF ANY SLANTED BIAS TOWARD PRO-ISLAMIC TRADITIONS, ANTI-SEMITISM, ANTI-JUDEO CHRISTIAN VALUES AND RACISM; AND

F. PROVIDE ACCURATE FACTS AND AMERICAN VALUES WHILE PROTECTING THE HUMAN RIGHTS OF ALL STUDENTS.

9. EACH TEXTBOOK PROPOSED FOR APPROVAL SHALL BE REVIEWED BY MULTIPLE MEMBERS OF THE COMMISSION. IT IS THE DUTY OF THE COMMISSION TO PREPARE A LIST OF STANDARD EDITIONS OF TEXTBOOKS FOR APPROVAL BY THE STATE EDUCATION DEPARTMENT FOR USE IN THE PUBLIC SCHOOLS OF THE STATE. THE COMMISSION SHALL PREPARE A LIST OF AT LEAST FOUR BOOKS IN EACH SUBJECT AND GRADE FOR WHICH TEXTBOOKS ARE TO BE ADOPTED. THE PROPOSED TEXTBOOK LIST SHALL BE POSTED ON THE WEBSITE OF THE STATE EDUCATION DEPARTMENT BY JUNE

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

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

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

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

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

S 4. This act shall take effect immediately.