

# STATE OF NEW YORK

10517

## IN ASSEMBLY

May 4, 2018

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

AN ACT to amend the education law, in relation to comprehensive sexuality education in schools

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 804-e  
2 to read as follows:

3 § 804-e. Health education regarding sexuality. 1. All schools shall  
4 include, as an integral part of health education, comprehensive sexuali-  
5 ty education that is age and developmentally appropriate, medically  
6 accurate, and respectful of all pupils regardless of race, color, reli-  
7 gion, religious practice, national origin, ethnic group, sex, gender,  
8 disability, language, sexual orientation, or gender identity.

9 2. The commissioner, in consultation with the commissioner of health,  
10 shall develop and establish a program of comprehensive, medically accu-  
11 rate sexuality instruction that addresses age and developmentally appro-  
12 priate physical, mental, emotional and social dimensions of human sexu-  
13 ality and, at a minimum, reflects the national standards for sexuality  
14 education and respects all pupils regardless of race, color, religion,  
15 religious practice, national origin, ethnic group, sex, gender, disabil-  
16 ity, language, sexual orientation, or gender identity. Such program of  
17 instruction shall include: (i) learning standards for sexuality educa-  
18 tion in grades kindergarten through twelve; (ii) model curricula for  
19 sexuality education in grades kindergarten through twelve including  
20 exemplar lesson plans, instructional tools and materials, and best prac-  
21 tice instructional resources that are suitable to student age, based on  
22 cognitive, emotional, and behavioral capacity; (iii) guidelines and  
23 professional training and development necessary to implement the  
24 instruction in the schools; (iv) public availability of all materials  
25 related to sexuality education on the department's website; and (v) a  
26 system to track and evaluate such sexuality education. Such program of  
27 sexuality instruction shall be reviewed periodically, at intervals  
28 deemed appropriate by the commissioner, and updated as necessary.

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

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1 3. The commissioner may prescribe in regulations such contents, topics  
2 and courses to be included in a curriculum of comprehensive, medically  
3 accurate sexuality instruction; provided, however, that such regulations  
4 recognize the diversity of students, families and communities in school  
5 districts and schools throughout the state and respect all students  
6 regardless of race, color, religion, religious practice, national  
7 origin, ethnic group, sex, gender, gender identity, sexual orientation,  
8 disability or language; provided, however, that the contents, topics and  
9 courses need not be uniform throughout the state; and provided further,  
10 however, that school districts shall utilize either a curriculum for  
11 health education instruction regarding sexuality prescribed by the  
12 commissioner or a course approved by the commissioner in accordance with  
13 criteria established by the commissioner.

14 4. The commissioner shall make recommendations to the board of regents  
15 about a program on sexuality education, relevant learning standards,  
16 model curricula and curriculum resources, guidelines and professional  
17 development by December first next succeeding the effective date of this  
18 section. Upon approval and adoption by the board of regents, the depart-  
19 ment shall issue guidance to the school districts about the program on  
20 sexuality instruction and publish on its website model curricula and  
21 instructional resources required by this section. School districts shall  
22 provide instruction about sexuality in health education no later than  
23 the next school year after components of the sexuality program have been  
24 approved and published. The commissioner shall review the sexuality  
25 instruction program periodically as the commissioner determines neces-  
26 sary to update the data, information and guidance about sexuality  
27 instruction in the schools.

28 5. All pre-service training programs in the state for teachers shall  
29 include adequate preparation regarding the instruction in sexuality set  
30 forth herein, and no teacher shall be licensed except upon satisfactory  
31 demonstration of the competencies included in the institutional  
32 proposals approved by the department.

33 6. The boards of education and trustees of the several cities and  
34 school districts of the state shall each establish an advisory council  
35 which shall make recommendations to the board of education or trustees  
36 concerning the curriculum, content, and evaluation of the sexuality  
37 education requirement pursuant to this section. The advisory council  
38 shall include, but need not be limited to, members of the school board  
39 or trustees, school authorities, teachers and other staff, parents,  
40 students and other representatives of the community. The board of educa-  
41 tion or trustees of a school district shall determine the curriculum,  
42 content and evaluation and approve the implementation of the curriculum  
43 within such school district and shall be responsible for the evaluation  
44 of the comprehensive sexuality instruction within the school district.

45 7. The board of education and trustees of the several cities and  
46 school districts of the state shall establish a process by which a  
47 student or parent or guardian of a student may elect not to participate  
48 in sexuality education; provided, however that such process shall  
49 require written notice signed by the student or the student's parent or  
50 guardian for each school year in which the student is required to take  
51 sexuality education and which shall be maintained in the student's  
52 record.

53 § 2. This act shall take effect immediately.