# STATE OF NEW YORK

5260

2019-2020 Regular Sessions

# IN ASSEMBLY

February 8, 2019

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

AN ACT to amend the education law, in relation to age-appropriate sexuality education in public schools

**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:

**§ 804-e. Health education regarding sexuality. 1. Each public and charter school shall include, as an integral part of health education in kindergarten through twelfth grade, a sexuality education program that is age and developmentally appropriate, medically accurate, and respectful of all pupils regardless of race, color, religion, religious practice, national origin, ethnic group, sex, gender, disability, language, sexual orientation, or gender identity.**

**2. The commissioner, in consultation with the commissioner of health, shall develop and establish a program of comprehensive, medically accurate sexuality instruction that addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality and, at a minimum, reflects the national standards for sexuality education and respects all pupils regardless of race, color, religion, religious practice, national origin, ethnic group, sex, gender, disability, language, sexual orientation, or gender identity. Such program of instruction shall include: (a) learning standards for sexuality education in grades kindergarten through twelve; (b) model curricula for sexuality education in grades kindergarten through twelve including exemplar lesson plans, instructional tools and materials, and best practice instructional resources that are suitable to student age, based on cognitive, emotional, and behavioral capacity; (c) guidelines and professional training and development necessary to implement the instruction in the schools; (d) public availability of all materials**

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

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related to sexuality education programs on the department's website; and (e) a system to track and evaluate such sexuality education programs. Such sexuality education programs shall be reviewed periodically, at intervals deemed appropriate by the commissioner, and updated as necessary.

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

4. The commissioner shall make recommendations to the board of regents about a sexuality education program, relevant learning standards, model curricula and curriculum resources, guidelines and professional development by December first next succeeding the effective date of this section. Upon approval and adoption by the board of regents, the department shall issue guidance to school districts about the sexuality education program and publish on its website model curricula and instructional resources required by this section. School districts shall provide sexuality education programs in health education no later than the next school year after components of the sexuality education program have been approved and published. The commissioner and the commissioner of health shall review the sexuality education program periodically as either commissioner determines necessary to update the data, information and guidance about the program in the schools.

5. Consistent with the sexuality education program established by the commissioner under this section, the school authorities of each school district shall determine the curriculum and content of the sexuality education program within the school district and shall be responsible for the evaluation of the program within the school district.

6. The school authorities of each school district shall each establish an advisory council which shall make recommendations to the school authorities concerning the curriculum, content, and evaluation of the sexuality education program under this section. The advisory council shall include, but need not be limited to, members of the school authorities, teachers and other staff, parents, students and other representatives of the community.

7. The school authorities of each school district shall establish a process by which a student or parent or guardian of a student may elect not to participate in the sexuality education program; provided however that such process shall require written notice signed by the student or the student's parent or guardian for each school year in which the student is required to take the program, and which shall be maintained in the student's record.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the commissioner of education shall make regulations and take other actions reasonably necessary to implement this act on that date.