

# STATE OF NEW YORK

1030

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

Introduced by Sens. RIVERA, HOYLMAN, KAVANAGH, KRUEGER, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the age-appropriate sex education grant program, to be referred to as the healthy teens act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "healthy teens act".

3 § 2. The public health law is amended by adding a new article 14-A to  
4 read as follows:

### ARTICLE 14-A

#### AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM

##### Section 1450. Definitions.

8 1451. Establishment of age-appropriate sex education grant  
9 program; general components.

10 1452. Age-appropriate sex education grant program awards.

11 1453. Application for grants; age-appropriate sex education  
12 grant program plan.

13 1454. Maintenance of effort.

14 1455. Annual reports by grant recipients.

15 1456. Notification to potential applicants.

16 1457. Regulations.

17 § 1450. Definitions. For the purposes of this article, the following  
18 terms shall have the following meanings:

19 1. "Eligible applicant" means (a) a public school district, (b) a  
20 board of cooperative educational services, (c) a school-based health  
21 center, (d) a community based organization which may be a for-profit  
22 corporation or entity or not-for-profit corporation or organization, or  
23 (e) a consortium or partnership formed by a public school district, a

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

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1 board of cooperative educational services and/or a school-based health  
2 center and one or more community based organizations which qualifies for  
3 the award of an age-appropriate sex education grant by the commissioner  
4 under this article.

5 2. "Grant program plan" means the plan submitted to the commissioner  
6 by an eligible applicant under section fourteen hundred fifty-one of  
7 this article.

8 3. "State income standard" means the most recent federal income offi-  
9 cial poverty line as defined annually and revised by the federal office  
10 of management and budget adjusted for family size.

11 4. "Age-appropriate sex education grant program" means a comprehensive  
12 age-appropriate sex education program conducted by an eligible applicant  
13 under section fourteen hundred fifty-one of this article.

14 5. "School-based health center" means a clinic licensed under article  
15 twenty-eight of this chapter, or sponsored by a facility licensed under  
16 article twenty-eight of this chapter, which provides primary care  
17 services within an elementary or secondary public school setting.

18 § 1451. Establishment of age-appropriate sex education grant program;  
19 general components. 1. There is hereby established within the department  
20 an age-appropriate sex education grant program. The program shall be  
21 formulated by the commissioner after consultation with the commissioner  
22 of education. The purpose of the program shall be to provide grants to  
23 eligible applicants to support age-appropriate sex education grant  
24 programs for young people which provides them with topics of instruction  
25 in the components set forth in subdivision two of this section.

26 2. In order for an eligible applicant to receive an award of an annual  
27 grant under subdivision three of this section, such an applicant shall  
28 submit with its application the components of instruction which shall be  
29 offered in its age-appropriate sex education grant program. The commis-  
30 sioner shall determine certain topics of instruction to be optional for  
31 age-appropriate reasons as shall be specified by the commissioner in  
32 application instructions made available by the department for the  
33 purposes of implementing this article. It is not necessary to provide  
34 equal emphasis on each component of instruction, however a project may  
35 not be inconsistent with any of the components. The components of  
36 instruction shall include whether such instruction:

37 (a) is age-appropriate and medically-accurate;

38 (b) does not teach or promote religion, provided that this paragraph  
39 shall not preclude discussion of moral, ethical or religious views  
40 related to sex or sexual relationships;

41 (c) teaches that abstinence is the only sure way to avoid pregnancy or  
42 sexually transmitted diseases;

43 (d) stresses the value of abstinence while not ignoring those adoles-  
44 cents who have had or who are having sexual intercourse;

45 (e) provides information about the health benefits and side effects of  
46 all contraceptives and barrier methods as a means to prevent pregnancy;

47 (f) provides information about the health benefits and side effects of  
48 all contraceptives and barrier methods as a means to reduce the risk of  
49 contracting sexually transmitted diseases, HIV/AIDS and other diseases;

50 (g) provides information about the vaccine for human papilloma virus,  
51 which may prevent cervical cancer, genital warts, infertility, and other  
52 reproductive health problems, when administered prior to becoming sexu-  
53 ally active;

54 (h) encourages family communication about sexuality among parents,  
55 other adult household members and children;

1 (i) teaches skills to make responsible decisions about sexuality,  
2 including how to avoid unwanted verbal, physical and sexual advances,  
3 and how not to make unwanted verbal, physical and sexual advances;

4 (j) teaches how alcohol and drug use can affect responsible decision  
5 making;

6 (k) helps young people to gain knowledge about the physical, biolog-  
7 ical and hormonal changes of adolescence and subsequent stages of human  
8 maturatation;

9 (l) develops the knowledge and skills necessary to ensure and protect  
10 young people with respect to their sexual and reproductive health;

11 (m) assists young people in gaining knowledge about the specific  
12 involvement of, and responsibility of both males and females in sexual  
13 decision making;

14 (n) develops healthy attitudes and values concerning growth and devel-  
15 opment, body image, gender roles, sexual orientation and other subjects;

16 (o) encourages young people to practice healthy life skills including  
17 goal setting, decision making, negotiation, and communication and stress  
18 management;

19 (p) promotes self-esteem and positive interpersonal skills focusing on  
20 relationship skills, including platonic, romantic, intimate and family  
21 relationships and interaction and how to avoid relationship abuse; and

22 (q) is based on theoretical projects that have been demonstrated to  
23 influence health behavior.

24 It is not necessary for the grantee to address every component of  
25 instruction, however, paragraphs (a) and (b) of this subdivision are  
26 required of all applicant programs. No program may include information  
27 or messages that contradict any of the components.

28 3. Any eligible applicant may apply for, and upon approval of the  
29 application by the commissioner, shall be awarded an annual sex educa-  
30 tion grant provided it demonstrates in the grant program plan submitted  
31 to the commissioner that:

32 (a) it is capable of providing young persons with an effective sex  
33 education program that shall be meaningful, substantially involve  
34 parents and other adults as feasible and appropriate, and shall be  
35 conducted in accordance with this article and any regulations under this  
36 article;

37 (b) if such applicant is a community based organization, that it has a  
38 proven record and experience in conducting meaningful and successful  
39 age-appropriate sex education programs for at least five years prior to  
40 the calendar year in which application for the grant is made, and that  
41 it is capable of providing an age-appropriate sex education program to a  
42 broad based segment of the youth population with specific emphasis on  
43 targeted at-risk youths in such organization's service area. The commis-  
44 sioner may seek and he or she shall receive any pertinent information or  
45 request and receive recommendations as to such community based organiza-  
46 tion's interactions or prior dealings with any other state or local  
47 governmental entity, including, but not limited to, any public school  
48 district or board of cooperative educational services in making the  
49 determination required by this paragraph.

50 4. All monies provided in grants under this article shall be in addi-  
51 tion to, and not in lieu of, any moneys historically appropriated for  
52 the same or similar purposes and shall not be used to offset or reduce  
53 moneys previously expended for similar programs.

54 § 1452. Age-appropriate sex education grant program awards. 1. Within  
55 amounts appropriated therefor, the commissioner shall be authorized to

1 grant awards for the support of approved age-appropriate sex education  
2 grant programs.

3 2. Grants to support an approved age-appropriate sex education grant  
4 program shall be awarded on a competitive basis in accordance with  
5 criteria established by the commissioner.

6 3. The department shall, from within amounts appropriated to the  
7 department, undertake all activities necessary to plan for and prelimi-  
8 narily provide for the timely implementation of the age-appropriate sex  
9 education grant program authorized by this article for the state fiscal  
10 year commencing one year following the effective date of this article.

11 4. Not more than five percent of any amounts made available by appro-  
12 priation in any single fiscal year for the age-appropriate sex education  
13 grant program shall be annually retained by the commissioner for the  
14 administrative purposes of the department.

15 5. Of the amounts made available by appropriation for the sex educa-  
16 tion grant program, not more than five percent of any funds made by such  
17 appropriation for the state fiscal year commencing three years following  
18 the effective date of this article shall be made available for payment  
19 to a nationally recognized and accredited organization with experience  
20 in analyzing the efficacy and benefits of sex education grant programs  
21 for purposes of enabling such organization to evaluate the totality of  
22 the grant program and grants awarded in the two years following the  
23 effective date of this article. Similarly, not more than four percent  
24 of any funds for the state fiscal year commencing four years following  
25 the effective date of this article shall be made available for payment  
26 to the same organization which was awarded the initial contract to so  
27 analyze the age-appropriate sex education grant program for the purpose  
28 of providing necessary funds to them to analyze the age-appropriate sex  
29 education grant program from its inception through and including all the  
30 grant year periods authorized under this article. The contract to be  
31 awarded to such organization shall be let only after a request for  
32 proposal has been issued by the department in the manner provided for by  
33 law, and the award of such contract shall be subject to competitive  
34 bidding requirements as also required by law. The department shall  
35 include within the request for proposal detailed criteria of evaluation  
36 to be employed by the organization to be awarded the bid. The request  
37 for proposal shall also allow for a bidding organization to submit addi-  
38 tional evaluative criteria that may be utilized by the organization  
39 awarded the bid if approved by the department. Notwithstanding any  
40 inconsistent provision of this subdivision, the request for proposal  
41 shall include a provision authorizing the commissioner to terminate the  
42 awarded contract to the successful bidder with respect to the conduct of  
43 the second evaluation of the grant program for the entire grant period  
44 authorized under this article if the commissioner is not satisfied with  
45 the quality of effort demonstrated by such bidder in the first evalu-  
46 ation of the grant program period. In such case, a similar request for  
47 proposal procedure shall be utilized for the purpose of making the  
48 second evaluation.

49 6. Beginning with the school year in July two years following the  
50 effective date of this article and every school year thereafter, from  
51 any annual appropriations and/or reappropriations made therefor, the  
52 commissioner shall set aside eighty percent of the money so appropriated  
53 (minus any amounts necessary to pay adjustment expenses pursuant to  
54 subdivisions three, four and five of this section) for the purpose of  
55 awarding grants for sex education grant program plans approved by the  
56 commissioner pursuant to section fourteen hundred fifty-three of this

1 article to be conducted by public school districts and/or boards of  
2 cooperative educational services including those programs which are  
3 going to be conducted in accordance with a program plan pursuant to  
4 consortiums or partnerships formed by a public school district and/or  
5 board of cooperative educational services and a school-based health  
6 center or one or more community based organizations. Priority, substan-  
7 tial consideration and weight shall be accorded by the commissioner in  
8 the awarding of grants to such consortiums or partnerships. Similarly,  
9 the commissioner shall set aside twenty per centum of any appropriation  
10 for the purpose of awarding grants for age-appropriate sex education  
11 grant program plans approved by the commissioner for eligible applicants  
12 who are community based organizations or school-based health centers  
13 which are not conducting such program as part of a consortium or part-  
14 nership.

15 7. In making grants under this article, the commissioner shall also  
16 give special consideration and weight to: (a) the number of reported  
17 adolescent pregnancies by persons residing in such area over the previ-  
18 ous ten years and the number of adolescent parents, including where  
19 feasible, the number of single parents, who currently reside in such  
20 area, (b) the number of reported occurrences of sexually transmitted  
21 diseases and HIV/AIDS among residents of the area to be served, with  
22 particular emphasis on HIV/AIDS, (c) the number of persons residing in  
23 the area to be served whose annual personal income is less than one  
24 hundred fifty percent of the established state income standard or who  
25 participate in the free and reduced price lunch program as defined in  
26 subdivision one of section thirty-six hundred two of the education law,  
27 and any other generally available statistical data which indicates that  
28 the area to be served is economically or otherwise disadvantaged, (d)  
29 the high school drop out rate in the area as determined by the education  
30 department, and (e) any other generally available statistical data which  
31 indicates that the area to be served is in need of an age-appropriate  
32 sex education program.

33 § 1453. Application for grants; age-appropriate sex education grant  
34 program plan. 1. The commissioner shall establish an application proce-  
35 dure by which eligible applicants may apply for a grant pursuant to this  
36 article, and the manner and method including specified objective crite-  
37 ria consistent with this article by which the commissioner shall deter-  
38 mine the eligibility of an applicant.

39 2. The eligible applicant shall submit with its age-appropriate sex  
40 education grant application its grant program plan to the commissioner,  
41 which shall include a detailed description of the proposed age-appropri-  
42 ate sex education program, including but not limited to:

43 (a) the manner in which parents and other adults will be included in  
44 the program;

45 (b) an outline for the curriculum to be covered in the eligible appli-  
46 cant's program, including the instructional materials, books, videos or  
47 other instructional tools to be used and the training which will be  
48 provided to teachers, personnel and volunteers who will conduct the  
49 program. Such curriculum shall include, but need not be limited to, a  
50 comprehensive block of instruction that stresses abstinence as the most  
51 effective and appropriate protection against HIV/AIDS and pregnancy and  
52 which contains written and oral instruction on the prevention of sexual-  
53 ly transmitted diseases. The other core elements shall satisfy a signif-  
54 icant number of, or preferably all of, the components of an age-appri-  
55 ate sex education grant program as established in section fourteen  
56 hundred fifty-one of this article;

1 (c) any special, or unusual or innovative services, programs or educa-  
2 tion methods to be utilized;

3 (d) the number and types of teaching or other personnel to be  
4 employed, or volunteers to be used, together with their professional or  
5 academic credentials;

6 (e) the geographic area in which the proposed program will be offered  
7 and a description of the categories and age groupings of at-risk adoles-  
8 cents included in such program, along with an estimate of the number of  
9 adolescents who the applicant estimates will participate in such  
10 program;

11 (f) a demonstration that the proposed program is adequate in terms of  
12 course length and in terms of both short term and long-range goals;

13 (g) the need for such program in the proposed area to be served. In  
14 determining such need the commissioner shall specifically consider the  
15 following factors and give special attention to programs servicing areas  
16 which have a higher than average incidence in one or more of the follow-  
17 ing enumerated life experiences: (i) the number of reported adolescent  
18 pregnancies by persons residing in such area over the previous ten years  
19 and the number of adolescent parents, including where feasible, the  
20 number of single parents, who currently reside in such area, (ii) the  
21 number of reported occurrences of sexually transmitted diseases and  
22 HIV/AIDS among residents of the area to be served, with particular  
23 emphasis on HIV/AIDS, (iii) the number of persons residing in the area  
24 to be served whose annual personal income is less than one hundred fifty  
25 percent of the established state income standard or who participate in  
26 the free or reduced price lunch program as defined in subdivision one of  
27 section thirty-six hundred two of the education law, and any other  
28 generally available statistical data which indicates that the area to be  
29 served is economically or otherwise disadvantaged, (iv) the high school  
30 drop out rate in the area as determined by the education department, and  
31 (v) any other generally available statistical data which indicates that  
32 the area to be served is in need of an age-appropriate sex education  
33 program;

34 (h) the success realized by an eligible applicant in reducing unwanted  
35 pregnancies and cases of sexually transmitted diseases, as well as  
36 reducing risk behavior, in programs previously, or currently, conducted;  
37 and

38 (i) any other information as the commissioner may request.

39 3. In considering applications submitted by eligible applicants, the  
40 commissioner shall give special attention, and grant priority to appli-  
41 cations submitted by an eligible applicant which is a public school  
42 district or board of cooperative educational services working in consor-  
43 tium or partnership with one or more community based organizations or  
44 school-based health centers, especially where the community based organ-  
45 ization, organizations or school-based health centers has a demonstrated  
46 record of success in the conduct of sex education programs of a similar  
47 nature to the sex education program provided for in this article.

48 § 1454. Maintenance of effort. Any monies made available to an eligi-  
49 ble applicant shall not be used to offset or reduce the amount of moneys  
50 previously expended for the same or similar programs in a prior year,  
51 but shall be used to supplement any prior years' expenditures. No eligi-  
52 ble applicant shall reduce any subsequent years' expenditures for the  
53 same or similar programs as a result of receiving any grant, or increase  
54 in the amount of any prior awarded grant, pursuant to this article.

55 § 1455. Annual reports by grant recipients. 1. Every eligible appli-  
56 cant that has been awarded a grant under this article shall file an

1 annual report with the commissioner, in such form and with such data as  
2 the commissioner prescribes detailing the expenditure of grant funds,  
3 together with an analysis of the age-appropriate sex education grant  
4 program it conducted, with a summary of its success or failures in  
5 altering attitudes regarding the merits of sexual abstinence as well as  
6 in preventing unwanted pregnancies, sexually transmitted diseases and  
7 HIV/AIDS.

8 2. The commissioner shall on or before February first in each year,  
9 submit a report on the program to the governor, the temporary president  
10 of the senate and the speaker of the assembly containing his or her  
11 findings and recommendations. In the report submitted in the fourth year  
12 and the sixth year following the effective date of this article respec-  
13 tively, the commissioner shall also include the evaluation of the  
14 program as presented by the accredited organization in accordance with  
15 section fourteen hundred fifty-two of this article.

16 § 1456. Notification to potential applicants. The commissioner shall  
17 timely send to every public school district and board of cooperative  
18 educational services and to every requesting community based organiza-  
19 tion or school-based health center a copy of this article and general  
20 information relating to the age-appropriate sex education grant program  
21 and the application process therefor.

22 § 1457. Regulations. The commissioner shall promulgate regulations as  
23 shall be reasonably necessary to effectuate the provisions of this arti-  
24 cle.

25 § 3. Severability. If any provision of this act, or any application  
26 of any provision of this act, is held to be invalid, that shall not  
27 affect the validity or effectiveness of any other provision of this act,  
28 or of any other application of any provision of this act.

29 § 4. This act shall take effect immediately.