

# STATE OF NEW YORK

3798

2019-2020 Regular Sessions

## IN SENATE

February 14, 2019

Introduced by Sen. 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. Legislative intent. The legislature finds and declares  
2 that New York state's teen pregnancy rate, 56.2 per 1000 female 15-19  
3 year olds as compared to the Healthy People 2010 goal of 43 cases per  
4 1000 female 15-19 year olds falls far too short of the public health  
5 expectation set by the Surgeon General. New York state had 40,000 teen  
6 pregnancies in 2006. In addition, according to the centers for disease  
7 control, 1 in 4 teenage girls has a sexually transmitted infection.  
8 This is true in New York state as well. Current research documents that  
9 individuals who receive early, comprehensive, age-appropriate, and  
10 scientifically accurate education in the health and other benefits of  
11 sexual abstinence, family planning, and birth control are more likely to  
12 delay sexual activity and engage later in such activity with a higher  
13 degree of responsibility and safety. Comprehensive sex education  
14 programs which complement parental involvement and instruction respect  
15 the diversity and values of our state and provide our youth at risk with  
16 the foundation to make responsibly informed choices. The earlier such  
17 programs are commenced on an age-appropriate curriculum basis, the more  
18 responsible will be the sexual activity decisions.

19 Statistics within New York state communities show an increase in rates  
20 of sexually transmitted diseases among adolescents over the past several  
21 years. Adolescents are the fastest growing population of new HIV/AIDS  
22 cases. These increases place greater demand on the state's health care  
23 delivery system and require that we take immediate action and embark on  
24 a dedicated mission to provide targeted at-risk adolescents with a more

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

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1 concentrated sex education program with a significant parental compo-  
 2 nent, designed to inform and instruct them on abstinence, protection and  
 3 pregnancy prevention. Approximately 25 percent of new cases of sexually  
 4 transmitted diseases each year occur among teenagers and two-thirds of  
 5 such new cases occur among persons 15 to 24 years old. By age 24, at  
 6 least one in three sexually active persons are estimated to have had a  
 7 sexually transmitted disease. By way of example, the highest age-specif-  
 8 ic gonorrhea rates among women and the third highest rates among men are  
 9 in the 15 to 19 year old group.

10 It is the intent of the legislature that the age-appropriate sex  
 11 education grant program established in this act provide at-risk adoles-  
 12 cents with the information, assistance, skills and support to enable  
 13 them to make responsible decisions, including abstaining from sexual  
 14 intercourse and for those who do become sexually active, the use of  
 15 condoms or contraceptives effectively.

16 It is also the intent of the legislature to reduce the current teenage  
 17 pregnancy rate to 36.2 among 15 to 17 year olds and 105.9 among 18 to 19  
 18 year olds by the year 2020 to meet the federal government initiative  
 19 known as Healthy People 2020.

20 § 2. This act shall be known and may be cited as the "healthy teens  
 21 act".

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

#### ARTICLE 14-A

##### AGE-APPROPRIATE SEX EDUCATION GRANT PROGRAM

#### Section 1450. Definitions.

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

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

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

##### 1454. Maintenance of effort.

##### 1455. Annual reports by grant recipients.

##### 1456. Notification to potential applicants.

##### 1457. Regulations.

36 § 1450. Definitions. For the purposes of this article, the following  
 37 terms shall have the following meanings:

38 1. "Eligible applicant" means (a) a public school district, (b) a  
 39 board of cooperative educational services, (c) a school-based health  
 40 center, (d) a community based organization which may be a for-profit  
 41 corporation or entity or not-for-profit corporation or organization, or  
 42 (e) a consortium or partnership formed by a public school district, a  
 43 board of cooperative educational services and/or a school-based health  
 44 center and one or more community based organizations which qualifies for  
 45 the award of an age-appropriate sex education grant by the commissioner  
 46 under this article.

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

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

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

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

5 § 1451. Establishment of age-appropriate sex education grant program;  
6 general components. 1. There is hereby established within the department  
7 an age-appropriate sex education grant program. The program shall be  
8 formulated by the commissioner after consultation with the commissioner  
9 of education. The purpose of the program shall be to provide grants to  
10 eligible applicants to support age-appropriate sex education grant  
11 programs for young people which provides them with topics of instruction  
12 in the components set forth in subdivision two of this section.

13 2. In order for an eligible applicant to receive an award of an annual  
14 grant under subdivision three of this section, such an applicant shall  
15 submit with its application the components of instruction which shall be  
16 offered in its age-appropriate sex education grant program. The commis-  
17 sioner shall determine certain topics of instruction to be optional for  
18 age-appropriate reasons as shall be specified by the commissioner in  
19 application instructions made available by the department for the  
20 purposes of implementing this article. It is not necessary to provide  
21 equal emphasis on each component of instruction, however a project may  
22 not be inconsistent with any of the components. The components of  
23 instruction shall include whether such instruction:

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

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

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

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

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

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

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

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

43 (i) teaches skills to make responsible decisions about sexuality,  
44 including how to avoid unwanted verbal, physical and sexual advances,  
45 and how not to make unwanted verbal, physical and sexual advances;

46 (j) teaches how alcohol and drug use can affect responsible decision  
47 making;

48 (k) helps young people to gain knowledge about the physical, biolog-  
49 ical and hormonal changes of adolescence and subsequent stages of human  
50 maturation;

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

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

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

3 (o) encourages young people to practice healthy life skills including  
4 goal setting, decision making, negotiation, and communication and stress  
5 management;

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

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

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

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

19 (a) it is capable of providing young persons with an effective sex  
20 education program that shall be meaningful, substantially involve  
21 parents and other adults as feasible and appropriate, and shall be  
22 conducted in accordance with this article and any regulations under this  
23 article;

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

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

41 § 1452. Age-appropriate sex education grant program awards. 1. Within  
42 amounts appropriated therefor, the commissioner shall be authorized to  
43 grant awards for the support of approved age-appropriate sex education  
44 grant programs.

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

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

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

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

35 6. Beginning with the school year in July two years following the  
36 effective date of this article and every school year thereafter, from  
37 any annual appropriations and/or reappropriations made therefor, the  
38 commissioner shall set aside eighty percent of the money so appropriated  
39 (minus any amounts necessary to pay adjustment expenses pursuant to  
40 subdivisions three, four and five of this section) for the purpose of  
41 awarding grants for sex education grant program plans approved by the  
42 commissioner pursuant to section fourteen hundred fifty-three of this  
43 article to be conducted by public school districts and/or boards of  
44 cooperative educational services including those programs which are  
45 going to be conducted in accordance with a program plan pursuant to  
46 consortiums or partnerships formed by a public school district and/or  
47 board of cooperative educational services and a school-based health  
48 center or one or more community based organizations. Priority, substan-  
49 tial consideration and weight shall be accorded by the commissioner in  
50 the awarding of grants to such consortiums or partnerships. Similarly,  
51 the commissioner shall set aside twenty per centum of any appropriation  
52 for the purpose of awarding grants for age-appropriate sex education  
53 grant program plans approved by the commissioner for eligible applicants  
54 who are community based organizations or school-based health centers  
55 which are not conducting such program as part of a consortium or part-  
56 nership.

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

19 § 1453. Application for grants; age-appropriate sex education grant  
20 program plan. 1. The commissioner shall establish an application proce-  
21 dure by which eligible applicants may apply for a grant pursuant to this  
22 article, and the manner and method including specified objective crite-  
23 ria consistent with this article by which the commissioner shall deter-  
24 mine the eligibility of an applicant.

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

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

31 (b) an outline for the curriculum to be covered in the eligible appli-  
32 cant's program, including the instructional materials, books, videos or  
33 other instructional tools to be used and the training which will be  
34 provided to teachers, personnel and volunteers who will conduct the  
35 program. Such curriculum shall include, but need not be limited to, a  
36 comprehensive block of instruction that stresses abstinence as the most  
37 effective and appropriate protection against HIV/AIDS and pregnancy and  
38 which contains written and oral instruction on the prevention of sexual-  
39 ly transmitted diseases. The other core elements shall satisfy a signif-  
40 icant number of, or preferably all of, the components of an age-appro-  
41 priate sex education grant program as established in section fourteen  
42 hundred fifty-one of this article;

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

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

48 (e) the geographic area in which the proposed program will be offered  
49 and a description of the categories and age groupings of at-risk adoles-  
50 cents included in such program, along with an estimate of the number of  
51 adolescents who the applicant estimates will participate in such  
52 program;

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

55 (g) the need for such program in the proposed area to be served. In  
56 determining such need the commissioner shall specifically consider the

1 following factors and give special attention to programs servicing areas  
2 which have a higher than average incidence in one or more of the follow-  
3 ing enumerated life experiences: (i) the number of reported adolescent  
4 pregnancies by persons residing in such area over the previous ten years  
5 and the number of adolescent parents, including where feasible, the  
6 number of single parents, who currently reside in such area, (ii) the  
7 number of reported occurrences of sexually transmitted diseases and  
8 HIV/AIDS among residents of the area to be served, with particular  
9 emphasis on HIV/AIDS, (iii) the number of persons residing in the area  
10 to be served whose annual personal income is less than one hundred fifty  
11 percent of the established state income standard or who participate in  
12 the free or reduced price lunch program as defined in subdivision one of  
13 section thirty-six hundred two of the education law, and any other  
14 generally available statistical data which indicates that the area to be  
15 served is economically or otherwise disadvantaged, (iv) the high school  
16 drop out rate in the area as determined by the education department, and  
17 (v) any other generally available statistical data which indicates that  
18 the area to be served is in need of an age-appropriate sex education  
19 program;

20 (h) the success realized by an eligible applicant in reducing unwanted  
21 pregnancies and cases of sexually transmitted diseases, as well as  
22 reducing risk behavior, in programs previously, or currently, conducted;  
23 and

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

25 3. In considering applications submitted by eligible applicants, the  
26 commissioner shall give special attention, and grant priority to appli-  
27 cations submitted by an eligible applicant which is a public school  
28 district or board of cooperative educational services working in consor-  
29 tium or partnership with one or more community based organizations or  
30 school-based health centers, especially where the community based organ-  
31 ization, organizations or school-based health centers has a demonstrated  
32 record of success in the conduct of sex education programs of a similar  
33 nature to the sex education program provided for in this article.

34 § 1454. Maintenance of effort. Any monies made available to an eligi-  
35 ble applicant shall not be used to offset or reduce the amount of moneys  
36 previously expended for the same or similar programs in a prior year,  
37 but shall be used to supplement any prior years' expenditures. No eligi-  
38 ble applicant shall reduce any subsequent years' expenditures for the  
39 same or similar programs as a result of receiving any grant, or increase  
40 in the amount of any prior awarded grant, pursuant to this article.

41 § 1455. Annual reports by grant recipients. 1. Every eligible appli-  
42 cant that has been awarded a grant under this article shall file an  
43 annual report with the commissioner, in such form and with such data as  
44 the commissioner prescribes detailing the expenditure of grant funds,  
45 together with an analysis of the age-appropriate sex education grant  
46 program it conducted, with a summary of its success or failures in  
47 altering attitudes regarding the merits of sexual abstinence as well as  
48 in preventing unwanted pregnancies, sexually transmitted diseases and  
49 HIV/AIDS.

50 2. The commissioner shall on or before February first in each year,  
51 submit a report on the program to the governor, the temporary president  
52 of the senate and the speaker of the assembly containing his or her  
53 findings and recommendations. In the report submitted in the fourth year  
54 and the sixth year following the effective date of this article respec-  
55 tively, the commissioner shall also include the evaluation of the

1 program as presented by the accredited organization in accordance with  
2 section fourteen hundred fifty-two of this article.

3 § 1456. Notification to potential applicants. The commissioner shall  
4 timely send to every public school district and board of cooperative  
5 educational services and to every requesting community based organiza-  
6 tion or school-based health center a copy of this article and general  
7 information relating to the age-appropriate sex education grant program  
8 and the application process therefor.

9 § 1457. Regulations. The commissioner shall promulgate regulations as  
10 shall be reasonably necessary to effectuate the provisions of this arti-  
11 cle.

12 § 4. Severability. If any provision of this act, or any application  
13 of any provision of this act, is held to be invalid, that shall not  
14 affect the validity or effectiveness of any other provision of this act,  
15 or of any other application of any provision of this act.

16 § 5. This act shall take effect immediately and shall apply to the  
17 school year which commences on or after July first in the year next  
18 succeeding the date on which it shall have become a law. The commission-  
19 er of health shall promulgate such regulations as shall be necessary to  
20 implement the provisions of this act not later than 90 days after such  
21 effective date.