

# STATE OF NEW YORK

4844

2019-2020 Regular Sessions

## IN SENATE

March 27, 2019

Introduced by Sens. METZGER, MONTGOMERY -- read twice and ordered printed, and when printed to be committed 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. Comprehensive sexuality education. 1. Each public and charter  
4 school shall include, as an integral part of education in grades kinder-  
5 garten through twelve, comprehensive sexuality education.

6 2. The commissioner, in consultation with the commissioner of health,  
7 shall develop and establish a comprehensive sexuality education program.  
8 Such program of instruction shall include: (i) learning standards for  
9 comprehensive sexuality education in grades kindergarten through twelve  
10 that, at a minimum, reflect the national sexuality education standards;  
11 (ii) model curricula for comprehensive sexuality education in grades  
12 kindergarten through twelve including exemplar lesson plans, instruc-  
13 tional tools and materials, and best practice instructional resources  
14 that are suitable to student age, based on cognitive, emotional, and  
15 behavioral capacity; (iii) guidelines and professional training and  
16 development resources to support implementation of the instruction in  
17 the schools; (iv) public availability of all program materials related  
18 to comprehensive sexuality education on the department's website; and  
19 (v) a system to track and evaluate such comprehensive sexuality educa-  
20 tion including, but not limited to, a reporting requirement that tracks  
21 and makes district compliance publicly available. Such program of  
22 comprehensive sexuality instruction shall be reviewed periodically by  
23 the commissioner in consultation with the commissioner of health, at  
24 intervals specified 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 shall prescribe in regulations such contents,  
2 topics and courses to be included in a curriculum of comprehensive sexu-  
3 ality instruction; provided, however, that such regulations recognize  
4 the diversity of students, families and communities in school districts  
5 and schools throughout the state and respect all students regardless of  
6 race, color, religion, religious practice, national origin, ethnic  
7 group, sex, gender, gender identity, sexual orientation, disability or  
8 language; provided, however, that the curricula need not be uniform  
9 throughout the state; and provided further, however, that school  
10 districts shall utilize either a curriculum for comprehensive sexuality  
11 education instruction prescribed by the commissioner or a curriculum in  
12 accordance with the standards and criteria established by the commis-  
13 sioner.

14 4. The commissioner shall make recommendations to the board of regents  
15 about a program on comprehensive sexuality education, relevant learning  
16 standards, model curricula and curriculum resources, guidelines and  
17 professional development resources by December first next succeeding the  
18 effective date of this section. Upon approval and adoption by the board  
19 of regents, the department shall issue guidance to the school districts  
20 about the program on comprehensive sexuality instruction and publish on  
21 its website model curricula and instructional resources required by this  
22 section. School districts shall provide comprehensive sexuality educa-  
23 tion instruction no later than the beginning of the next succeeding  
24 school year starting two years after the effective date of this section.  
25 No later than the third year after the effective date of this section  
26 and every year thereafter, the department shall post conspicuously on  
27 the department's website in a manner searchable by individual school, a  
28 report for the preceding academic year for each school district and for  
29 each school within each district. The report shall include for each  
30 grade level in each school, but not be limited to, data specifying: (i)  
31 the number of hours per semester of comprehensive sexuality education  
32 received by students in that grade; and (ii) the total number and  
33 percentage of students in each grade who have received the amount of  
34 comprehensive sexuality education required by this section in the  
35 preceding academic year.

36 5. The boards of education or trustees of the cities and school  
37 districts of the state shall each establish an advisory council which  
38 shall make recommendations to the board of education or trustees  
39 concerning the curriculum, content, and evaluation of the comprehensive  
40 sexuality education required pursuant to this section. The advisory  
41 council shall include, but need not be limited to, members of the school  
42 board or trustees, school authorities, teachers and other staff as  
43 recommended by the teachers' labor organization, parents, students, and  
44 other representatives of the community. Consistent with the comprehen-  
45 sive sexuality education program established by the commissioner pursu-  
46 ant to this section, the board of education or trustees of a school  
47 district shall determine the curriculum and content of the program with-  
48 in the school district and shall be responsible for the evaluation of  
49 the program within the district.

50 6. The board of education and trustees of the cities and school  
51 districts of the state shall establish a process by which a parent or  
52 guardian of a student may elect for the student not to participate in  
53 comprehensive sexuality education; provided, however, that such process  
54 shall require written notice signed by the student's parent or guardian  
55 for each school year and which shall be maintained in the student's  
56 record.

1 7. As used in this article, "comprehensive sexuality education" means  
2 a medically accurate, age-appropriate sequential learning program which  
3 addresses physical, mental, emotional and social dimensions of human  
4 sexuality, is trauma-responsive and culturally appropriate, incorporates  
5 skills-based instruction, and is respectful and inclusive of all  
6 students regardless of race, color, religion, religious practice,  
7 national origin, ethnic group, sex, gender, disability, language, sexual  
8 orientation, or gender identity. Comprehensive sexuality education  
9 shall include, but is not limited to, age-appropriate instruction on:  
10 (i) human anatomy, reproduction, and sexual development; (ii) consent,  
11 bodily autonomy, and healthy relationships, including relationships  
12 involving diverse sexual orientations and gender identities; (iii) meth-  
13 ods for preventing pregnancy and sexually transmitted infections; (iv)  
14 the relationship between substance use and sexual behavior and health;  
15 and (v) the use of technology and social media in intimate relation-  
16 ships.

17 § 2. This act shall take effect immediately.