

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:

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. Each public and
4 charter school shall include, as an integral part of health education in
5 kindergarten through twelfth grade, a sexuality education program that
6 is age and developmentally appropriate, medically accurate, and respect-
7 ful of all pupils regardless of race, color, religion, religious prac-
8 tice, national origin, ethnic group, sex, gender, disability, language,
9 sexual orientation, or gender identity.

10 2. The commissioner, in consultation with the commissioner of health,
11 shall develop and establish a program of comprehensive, medically accu-
12 rate sexuality instruction that addresses age and developmentally appro-
13 priate physical, mental, emotional and social dimensions of human sexu-
14 ality and, at a minimum, reflects the national standards for sexuality
15 education and respects all pupils regardless of race, color, religion,
16 religious practice, national origin, ethnic group, sex, gender, disabil-
17 ity, language, sexual orientation, or gender identity. Such program of
18 instruction shall include: (a) learning standards for sexuality educa-
19 tion in grades kindergarten through twelve; (b) model curricula for
20 sexuality education in grades kindergarten through twelve including
21 exemplar lesson plans, instructional tools and materials, and best prac-
22 tice instructional resources that are suitable to student age, based on
23 cognitive, emotional, and behavioral capacity; (c) guidelines and
24 professional training and development necessary to implement the
25 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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1 related to sexuality education programs on the department's website; and
2 (e) a system to track and evaluate such sexuality education programs.
3 Such sexuality education programs shall be reviewed periodically, at
4 intervals deemed appropriate by the commissioner, and updated as neces-
5 sary.

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

19 4. The commissioner shall make recommendations to the board of regents
20 about a sexuality education program, relevant learning standards, model
21 curricula and curriculum resources, guidelines and professional develop-
22 ment by December first next succeeding the effective date of this
23 section. Upon approval and adoption by the board of regents, the depart-
24 ment shall issue guidance to school districts about the sexuality educa-
25 tion program and publish on its website model curricula and instruc-
26 tional resources required by this section. School districts shall
27 provide sexuality education programs in health education no later than
28 the next school year after components of the sexuality education program
29 have been approved and published. The commissioner and the commissioner
30 of health shall review the sexuality education program periodically as
31 either commissioner determines necessary to update the data, information
32 and guidance about the program in the schools.

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

38 6. The school authorities of each school district shall each establish
39 an advisory council which shall make recommendations to the school
40 authorities concerning the curriculum, content, and evaluation of the
41 sexuality education program under this section. The advisory council
42 shall include, but need not be limited to, members of the school author-
43 ities, teachers and other staff, parents, students and other represen-
44 tatives of the community.

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

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