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:

Section 1. The education law is amended by adding a new section 804-e to read as follows:

§ 804-e. Comprehensive sexuality education. 1. Each public and charter school shall include, as an integral part of education in grades kindergarten through twelve, comprehensive sexuality education.

2. The commissioner, in consultation with the commissioner of health, shall develop and establish a comprehensive sexuality education program. Such program of instruction shall include: (i) learning standards for comprehensive sexuality education in grades kindergarten through twelve that, at a minimum, reflect the national sexuality education standards; (ii) model curricula for comprehensive 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; (iii) guidelines and professional training and development resources to support implementation of the instruction in the schools; (iv) public availability of all program materials related to comprehensive sexuality education on the department's website; and (v) a system to track and evaluate such comprehensive sexuality education including, but not limited to, a reporting requirement that tracks and makes district compliance publicly available. Such program of comprehensive sexuality instruction shall be reviewed periodically by the commissioner in consultation with the commissioner of health, at 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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3. The commissioner shall prescribe in regulations such contents, topics and courses to be included in a curriculum of comprehensive 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 curricula need not be uniform throughout the state; and provided further, however, that school districts shall utilize either a curriculum for comprehensive sexuality education instruction prescribed by the commissioner or a curriculum in accordance with the standards and criteria established by the commissioner.

4. The commissioner shall make recommendations to the board of regents about a program on comprehensive sexuality education, relevant learning standards, model curricula and curriculum resources, guidelines and professional development resources 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 the school districts about the program on comprehensive sexuality instruction and publish on its website model curricula and instructional resources required by this section. School districts shall provide comprehensive sexuality education instruction no later than the beginning of the next succeeding school year starting two years after the effective date of this section. No later than the third year after the effective date of this section and every year thereafter, the department shall post conspicuously on the department's website in a manner searchable by individual school, a report for the preceding academic year for each school district and for each school within each district. The report shall include for each grade level in each school, but not be limited to, data specifying: (i) the number of hours per semester of comprehensive sexuality education received by students in that grade; and (ii) the total number and percentage of students in each grade who have received the amount of comprehensive sexuality education required by this section in the preceding academic year.

5. The boards of education or trustees of the cities and school districts of the state shall each establish an advisory council which shall make recommendations to the board of education or trustees concerning the curriculum, content, and evaluation of the comprehensive sexuality education required pursuant to this section. The advisory council shall include, but need not be limited to, members of the school board or trustees, school authorities, teachers and other staff as recommended by the teachers' labor organization, parents, students, and other representatives of the community. Consistent with the comprehensive sexuality education program established by the commissioner pursuant to this section, the board of education or trustees of a school district shall determine the curriculum and content of the program within the school district and shall be responsible for the evaluation of the program within the district.

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

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

§ 2. This act shall take effect immediately.