

STATE OF NEW YORK

6616

2021-2022 Regular Sessions

IN ASSEMBLY

March 22, 2021

Introduced by M. of A. NOLAN -- read once and referred 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 ensure all pupils receive, as an integral part of education
5 in grades kindergarten through twelve, comprehensive sexuality educa-
6 tion.

7 2. The commissioner, in consultation with the commissioner of health,
8 shall develop and establish a comprehensive sexuality education program.
9 Such program of instruction shall include: (i) model curricula for
10 comprehensive sexuality education in grades kindergarten through twelve
11 including exemplar lesson plans, instructional tools and materials, and
12 best practice instructional resources that are suitable to student age,
13 based on cognitive, emotional, and behavioral capacity and at a minimum
14 conforms to the content and scope of national sexuality education stand-
15 ards; (ii) resources to support implementation of the instruction in the
16 schools; and (iii) public availability of all program materials related
17 to comprehensive sexuality education on the department's website.

18 3. In the development of such program, the commissioners shall seek
19 the recommendations of a broad range of experts such as teachers certi-
20 fied in health, biology, family and consumer science, early childhood
21 education, and childhood education, certified and licensed social work-
22 ers, school nurses, school administrators, school board members, parent
23 teacher association members, others with educational expertise in inti-
24 mate partner violence, sexual assault, reproductive and sexual health
25 care, and serving lesbian, gay, bisexual, transgender and questioning

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

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1 youth. Such program of comprehensive sexuality instruction shall be
2 reviewed periodically by the commissioner in consultation with the
3 commissioner of health, at intervals specified by the commissioner, and
4 updated as necessary.

5 4. The commissioner shall prescribe in regulations such contents and
6 topics to be included in a curriculum of comprehensive sexuality
7 instruction; provided, however, that the curricula need not be uniform
8 throughout the state; and provided further, however, that school
9 districts shall utilize either a curriculum for comprehensive sexuality
10 education instruction prescribed by the commissioner or a curriculum in
11 accordance with the criteria established by the commissioner.

12 5. Upon approval and adoption by the board of regents, the department
13 shall issue guidance to the school districts about the program on
14 comprehensive sexuality instruction and publish on its website model
15 curricula and instructional resources required by this section. School
16 districts shall provide comprehensive sexuality education instruction no
17 later than the school year following the effective date of this section.
18 No later than the second year after the effective date of this section
19 and as necessary thereafter, the commissioner shall conduct a review of
20 district implementation to monitor compliance.

21 6. The boards of education or trustees of the cities and school
22 districts of the state that choose not to adopt the model curriculum
23 approved by the board of regents shall each establish an advisory coun-
24 cil which shall make recommendations to the board of education or trus-
25 tees concerning the curriculum, content, and evaluation of the compre-
26 hensive sexuality education required pursuant to this section. The
27 advisory council shall include, but need not be limited to, members of
28 the school board or trustees, school authorities, a teacher designated
29 by a teacher's collective bargaining organization, other staff, parents,
30 students, and other representatives of the community. The board of
31 education or trustees of a school district shall determine the curric-
32 ulum and content of the program within the school district and shall be
33 responsible for the evaluation of the program within the district and
34 ensuring the program conforms in content and scope to the comprehensive
35 sexuality education program established by the commissioner.

36 7. The board of education and trustees of the cities and school
37 districts of the state shall establish a process by which a parent or
38 guardian of a student may elect for the student not to participate in
39 select lessons regarding HIV/AIDS prevention; provided, however, that
40 such process shall require written notice signed by the student's parent
41 or guardian for each school year.

42 8. As used in this article, "comprehensive sexuality education" means
43 a medically accurate, age-appropriate sequential learning program which
44 addresses physical, mental, emotional and social dimensions of human
45 sexuality, is trauma-responsive and culturally appropriate, incorporates
46 skills-based instruction; provides students with knowledge and skills
47 they need to form relationships that are based on mutual respect and
48 affection and that are free from violence, coercion, and intimidation;
49 and are respectful and inclusive of all students regardless of actual or
50 perceived race, color, weight, national origin, ethnic group, religion,
51 religious practice, disability, sexual orientation, or gender as defined
52 in section eleven of this chapter. Comprehensive sexuality education
53 shall include, but is not limited to, age-appropriate instruction on:
54 (i) human anatomy, reproduction, and sexual development; (ii) consent,
55 bodily autonomy, boundary-setting, bullying, and peer pressure; (iii)
56 healthy relationships, including relationships involving diverse sexual

1 orientations and gender identities and prevention of intimate partner
2 violence, sexual violence and sexual harassment; (iv) methods for
3 preventing pregnancy and sexually transmitted infections; (v) gender,
4 gender expression, gender identity, diversity of sex characteristics,
5 and the harms of gender stereotypes; (vi) the relationship between
6 substance use and sexual behavior and health; and (vii) the use of tech-
7 nology and social media in interpersonal relationships.

8 § 2. This act shall take effect July 1, 2024.