

# STATE OF NEW YORK

1929

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

Introduced by Sens. JACKSON, KAPLAN -- 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 inclusive instruction  
and instructional materials; and providing for the repeal of certain  
provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assem-  
bly, 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. Inclusive curriculum or instruction. 1. School districts and  
4 charter schools shall include instruction on the political, economic,  
5 and social contributions, and lifeways of lesbian, gay, bisexual, trans-  
6 gender, queer, intersex, and asexual people, in an appropriate place in  
7 the curriculum of middle school and high school students.

8 2. School districts and charter schools shall have policies and proce-  
9 dures in place pertaining to the selection of instructional materials to  
10 implement the requirements of subdivision one of this section. When  
11 adopting instructional materials for use in the schools of the district,  
12 school districts and charter schools shall adopt inclusive instructional  
13 materials that portray the cultural and economic diversity of society  
14 including the political, economic, and social contributions, and life-  
15 ways of lesbian, gay, bisexual, transgender, queer, intersex, and asexu-  
16 al people, where appropriate.

17 3. For the purposes of this section:

18 a. The term "gay" means a man or a male individual whose enduring  
19 physical, romantic, or emotional attraction is to another man or male  
20 individual.

21 b. The term "lesbian" means a woman or female individual whose endur-  
22 ing physical, romantic, or emotional attraction is to another woman or  
23 female individual.

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

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1 c. The term "bisexual" means an individual who has the capacity to  
2 form enduring physical, romantic, or emotional attraction to another  
3 individual of the same sex or gender or to another individual of a  
4 different sex or gender. Bisexual individuals may experience such  
5 attraction in differing ways and degrees over their lifetime. Bisexual  
6 individuals do not need to have specific sexual experiences or have had  
7 any sexual experience at all to have a sexual orientation of bisexual.

8 d. The term "assigned sex" means the classification of male, female ,  
9 or intersex assigned at birth that corresponds to the biological differ-  
10 ences between males, females, or intersex people such as genitalia and  
11 genetic differences.

12 e. The term "transgender" means an individual whose identified gender  
13 does not match their assigned sex at birth.

14 f. The term "queer" means an individual that does not conform to  
15 social gender norms or social sexuality norms including, but not limited  
16 to, gender identity or expression, and gay, lesbian, bisexual, or trans-  
17 gender sexual orientations.

18 g. The term "intersex" means an individual born with any of several  
19 variations in sex characteristics including chromosomes, gonads, sex  
20 hormones, or genitals that do not fit the typical definitions for male  
21 or female bodies.

22 h. The term "asexual" means an individual that has a lack of sexual  
23 attraction to other individuals or has a low or absent interest in or  
24 desire for sexual activity.

25 i. The term "lifeways" means the customary manner of living or way of  
26 life.

27 j. The term "gender identity or expression" means a person's actual or  
28 perceived gender-related identity, appearance, behavior, expression, or  
29 other gender-related characteristic regardless of the sex assigned to  
30 that person at birth, including, but not limited to, the status of being  
31 transgender.

32 § 2. Section 804-e of the education law, as added by section one of  
33 this act, is amended by adding a new subdivision 4 to read as follows:

34 4. a. There is hereby created a task force to study and make recommen-  
35 dations on policies, procedures and best practices for the selection and  
36 adoption of inclusive instructional materials.

37 b. The task force shall be composed of eleven members to be appointed  
38 as follows:

39 (i) two members shall be appointed by the governor;

40 (ii) two members shall be appointed by the temporary president of the  
41 senate;

42 (iii) two members shall be appointed by the speaker of the assembly;

43 (iv) one member shall be appointed by the minority leader of the  
44 senate;

45 (v) one member shall be appointed by the minority leader of the assem-  
46 bly;

47 (vi) two members shall be appointed by the chancellor of the board of  
48 regents; and

49 (vii) one member shall be the commissioner or appointed designee ther-  
50 eof who shall serve as chairperson of the task force.

51 c. All appointments to the task force shall be submitted no later than  
52 one hundred twenty days after the effective date of this subdivision.  
53 Vacancies in the membership of the task force shall be filled within  
54 thirty days in the same manner provided for original appointments.  
55 Appointed members shall be chosen with due regard to broad ethnic, sexu-  
56 al orientation, and gender identity or expression diversity and shall

1 have a demonstrated educational background in the history of the poli-  
2 tical, economic, and social contributions, and lifeways of lesbian, gay,  
3 bisexual, transgender, queer, intersex, and asexual people.

4 d. The members of the task force shall serve without compensation but  
5 shall be reimbursed for necessary expenses incurred in the performance  
6 of their duties.

7 e. The task force shall study and prepare a report on policies, proce-  
8 dures and best practices to provide an inclusive curriculum on the poli-  
9 tical, economic, and social contributions, and lifeways of lesbian, gay,  
10 bisexual, transgender, queer, intersex, and asexual people. The report  
11 prepared by the task force shall be used by school districts and charter  
12 schools to create the policies and procedures required pursuant to  
13 subdivision two of this section to select instructional materials to  
14 implement an inclusive curriculum on the political, economic, and social  
15 contributions, and lifeways of lesbian, gay, bisexual, transgender,  
16 queer, intersex, and asexual people. The report shall be submitted to  
17 the governor, the temporary president of the senate, the speaker of the  
18 assembly, the chairperson of the senate committee on education, the  
19 chairperson of the senate committee on New York city education, the  
20 chairperson of the assembly committee on education, the board of  
21 regents, and the commissioner and shall be made available to all school  
22 districts and charter schools within the state, no later than one year  
23 after all initial appointments to the task force have been made.

24 § 3. This act shall take effect July 1, 2021 and shall apply to school  
25 years commencing on or after such date, provided, however, that the  
26 amendments to section 804-e of the education law made by section two of  
27 this act shall expire and be deemed repealed two years after such date.  
28 Effective immediately, the addition, amendment and/or repeal of any rule  
29 or regulation necessary for the implementation of this act on its effec-  
30 tive date are authorized to be made and completed on or before such  
31 effective date.