

STATE OF NEW YORK

808--B

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. O'DONNELL, SEAWRIGHT -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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. 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.

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

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

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

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

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

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

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

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

28 i. The term "lifeways" means the customary manner of living or way of
29 life.

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

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

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

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

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

43 (ii) two members shall be appointed by the temporary president of the
44 senate;

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

46 (iv) one member shall be appointed by the minority leader of the
47 senate;

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

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

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

54 c. All appointments to the task force shall be submitted no later than
55 one hundred twenty days after the effective date of this subdivision.
56 Vacancies in the membership of the task force shall be filled within

1 thirty days in the same manner provided for original appointments.
2 Appointed members shall be chosen with due regard to broad ethnic, sexu-
3 al orientation, and gender identity or expression diversity and shall
4 have a demonstrated educational background in the history of the poli-
5 tical, economic, and social contributions, and lifeways of lesbian, gay,
6 bisexual, transgender, queer, intersex, and asexual people.

7 d. The members of the task force shall serve without compensation but
8 shall be reimbursed for necessary expenses incurred in the performance
9 of their duties.

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

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