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:

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

§ 804-e. Inclusive curriculum or instruction. 1. School districts and charter schools shall include instruction on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people, in an appropriate place in the curriculum of middle school and high school students.

2. School districts and charter schools shall have policies and procedures in place pertaining to the selection of instructional materials to implement the requirements of subdivision one of this section. When adopting instructional materials for use in the schools of the district, school districts and charter schools shall adopt inclusive instructional materials that portray the cultural and economic diversity of society including the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people, where appropriate.

3. For the purposes of this section:

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

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

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b. The term "lesbian" means a woman or female individual whose enduring physical, romantic, or emotional attraction is to another woman or female individual.

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

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

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

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

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

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

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

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

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

4. a. There is hereby created a task force to study and make recommendations on policies, procedures and best practices for the selection and adoption of inclusive instructional materials.

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

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

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

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

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

(v) one member shall be appointed by the minority leader of the assembly;

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

(vii) one member shall be the commissioner or appointed designee thereof who shall serve as chairperson of the task force.

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

thirty days in the same manner provided for original appointments. Appointed members shall be chosen with due regard to broad ethnic, sexual orientation, and gender identity or expression diversity and shall have a demonstrated educational background in the history of the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people.

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

e. The task force shall study and prepare a report on policies, procedures and best practices to provide an inclusive curriculum on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people. The report prepared by the task force shall be used by school districts and charter schools to create the policies and procedures required pursuant to subdivision two of this section to select instructional materials to implement an inclusive curriculum on the political, economic, and social contributions, and lifeways of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people. The report shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the chairperson of the senate committee on education, the chairperson of the senate committee on New York city education, the chairperson of the assembly committee on education, the board of regents, and the commissioner and shall be made available to all school districts and charter schools within the state, no later than one year after all initial appointments to the task force have been made.

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