

# STATE OF NEW YORK

7835

2023-2024 Regular Sessions

## IN ASSEMBLY

July 7, 2023

Introduced by M. of A. FLOOD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to enacting the New York state curriculum transparency and parental notification act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "the New York  
2 state curriculum transparency and parental notification act".

3 § 2. Title 2 of the education law is amended by adding a new article  
4 57 to read as follows:

### ARTICLE 57

#### NEW YORK STATE CURRICULUM TRANSPARENCY AND PARENTAL NOTIFICATION ACT

#### Section 2860. Curriculum transparency and parental notification.

9 § 2860. Curriculum transparency and parental notification. 1. Each  
10 district school board of education shall publish on its website, in a  
11 searchable format as prescribed by the department, a list of all  
12 instructional materials, including those used to provide instruction  
13 pursuant to articles two, seventeen and sixty-five of this chapter and  
14 title 8 of the New York codes, rules and regulations. Each district  
15 school board of education must:

16 (a) provide public access to all educational learning materials,  
17 excluding teacher editions and lesson plans, in accordance with this  
18 section. This process must include reasonable safeguards against the  
19 unauthorized use, reproduction, and distribution of instructional mate-  
20 rials considered for adoption;

21 (b) provide a separate itemized list from the general school budget  
22 when selecting, approving, adopting, or purchasing all educational  
23 learning materials, allow for public viewing of such itemized list, and

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

LBD11806-01-3

1 provide a reasonable opportunity for public comment of the materials on  
2 such itemized list at a reasonable time prior to the school budget vote;  
3 (c) provide notice to parents of their rights to:  
4 (i) attend school board meetings;  
5 (ii) access all educational learning materials; and  
6 (iii) a reasonable opportunity for public comment of any school educa-  
7 tional learning materials they find objectionable at the next scheduled  
8 school board meeting, or upon a special meeting of the school board; and  
9 (d) annually, commencing June thirtieth, two thousand twenty-five,  
10 submit to the commissioner a report that identifies:  
11 (i) all material that was removed or discontinued because of an  
12 objection; and  
13 (ii) the grade level and course for which a removed or discontinued  
14 material was used, as applicable.

15 2. The department shall publish and regularly update a list of materi-  
16 als that were removed or discontinued because of an objection and annu-  
17 ally disseminate the list to school districts for consideration in their  
18 selection procedures.

19 § 3. Section 305 of the education law is amended by adding a new  
20 subdivision 60 to read as follows:

21 60. (a) No later than July thirty-first, two thousand twenty-four, the  
22 commissioner shall develop and make available to each school board of  
23 education model policies for ensuring parental notification of any  
24 instructional material that includes explicit content and include infor-  
25 mation, guidance, procedures, and standards relating to:

26 (i) ensuring parental notification;  
27 (ii) directly identifying the specific instructional material and  
28 explicit subjects; and  
29 (iii) permitting the parent of any student to review instructional  
30 material that includes explicit content and provide, as an alternative,  
31 nonexplicit instructional material and related academic activities to  
32 any student whose parent so requests.

33 (b) Model policies developed pursuant to paragraph (a) of this subdi-  
34 vision shall be updated annually and made available to each school board  
35 of education.

36 (c) Each school board shall adopt policies that are consistent with  
37 but may be more comprehensive than the model policies developed by the  
38 commissioner pursuant to this section no later than January first, two  
39 thousand twenty-five.

40 (d) As used in this subdivision, "explicit content" means any educa-  
41 tional instruction that incorporates but is not limited to drugs, alco-  
42 hol, sexually transmitted infections, and all other related sexual  
43 health education topics.

44 § 4. The provisions of this act shall not be construed as requiring  
45 the censoring of books or any other educational material in public  
46 elementary and secondary schools.

47 § 5. This act shall take effect immediately.