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:

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

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

ARTICLE 57

NEW YORK STATE CURRICULUM TRANSPARENCY AND PARENTAL NOTIFICATION ACT

Section 2860. Curriculum transparency and parental notification.

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

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

(b) provide a separate itemized list from the general school budget when selecting, approving, adopting, or purchasing all educational 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.

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provide a reasonable opportunity for public comment of the materials on such itemized list at a reasonable time prior to the school budget vote;

(c) provide notice to parents of their rights to:

(i) attend school board meetings;

(ii) access all educational learning materials; and

(iii) a reasonable opportunity for public comment of any school educational learning materials they find objectionable at the next scheduled school board meeting, or upon a special meeting of the school board; and

(d) annually, commencing June thirtieth, two thousand twenty-five, submit to the commissioner a report that identifies:

(i) all material that was removed or discontinued because of an objection; and

(ii) the grade level and course for which a removed or discontinued material was used, as applicable.

2. The department shall publish and regularly update a list of materials that were removed or discontinued because of an objection and annually disseminate the list to school districts for consideration in their selection procedures.

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

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

(i) ensuring parental notification;

(ii) directly identifying the specific instructional material and explicit subjects; and

(iii) permitting the parent of any student to review instructional material that includes explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.

(b) Model policies developed pursuant to paragraph (a) of this subdivision shall be updated annually and made available to each school board of education.

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

(d) As used in this subdivision, "explicit content" means any educational instruction that incorporates but is not limited to drugs, alcohol, sexually transmitted infections, and all other related sexual health education topics.

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

§ 5. This act shall take effect immediately.