

# STATE OF NEW YORK

4604

2023-2024 Regular Sessions

## IN ASSEMBLY

February 17, 2023

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN, LUNSFORD, EPSTEIN, STIRPE, CRUZ, JEAN-PIERRE, COOK, SIMON, GLICK, HYNDMAN, REYES, BRONSON, ROZIC, LAVINE, RAMOS, L. ROSENTHAL, FAHY, DARLING, WALLACE, SEAWRIGHT, LUPARDO, HEVESI, HUNTER, MAGNARELLI, BURKE, THIELE, OTIS, WALKER, CARROLL, BICHOTTE HERMELYN, BURDICK, CLARK, DICKENS, JACOBSON, KELLES, MEEKS, FORREST, McMAHON, RAJKUMAR, PRETLOW, DINOWITZ, BARRETT, MAMDANI, DE LOS SANTOS, STECK, ANDERSON, GALLAGHER, RAGA, SHIMSKY, ARDILA, SIMONE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to comprehensive sexuality education in schools

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. Comprehensive sexuality education. 1. Each public and charter school shall ensure all pupils receive, as an integral part of education in grades kindergarten through twelve, comprehensive sexuality education.

2. The commissioner, in consultation with the commissioner of health, shall develop and establish a comprehensive sexuality education program. Such program of instruction shall include: (i) model curricula for comprehensive sexuality education in grades kindergarten through twelve including exemplar lesson plans, instructional tools and materials, and best practice instructional resources that are suitable to student age, based on cognitive, emotional, and behavioral capacity and at a minimum conforms to the content and scope of national sexuality education standards; (ii) resources to support implementation of the instruction in the schools; and (iii) public availability of all program materials related to comprehensive sexuality education on the department's website.

3. In the development of such program, the commissioners shall seek the recommendations of a broad range of experts such as teachers certi-

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

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1 fied in health, biology, family and consumer science, early childhood  
2 education, and childhood education, certified and licensed social work-  
3 ers, school nurses, school administrators, school board members, parent  
4 teacher association members, others with educational expertise in inti-  
5 mate partner violence, sexual assault, reproductive and sexual health  
6 care, and serving lesbian, gay, bisexual, transgender and questioning  
7 youth. Such program of comprehensive sexuality instruction shall be  
8 reviewed periodically by the commissioner in consultation with the  
9 commissioner of health, at intervals specified by the commissioner, and  
10 updated as necessary.

11 4. The commissioner shall prescribe in regulations such contents and  
12 topics to be included in a curriculum of comprehensive sexuality  
13 instruction; provided, however, that the curricula need not be uniform  
14 throughout the state; and provided further, however, that school  
15 districts shall utilize either a curriculum for comprehensive sexuality  
16 education instruction prescribed by the commissioner or a curriculum in  
17 accordance with the criteria established by the commissioner.

18 5. Upon approval and adoption by the board of regents, the department  
19 shall issue guidance to the school districts about the program on  
20 comprehensive sexuality instruction and publish on its website model  
21 curricula and instructional resources required by this section. School  
22 districts shall provide comprehensive sexuality education instruction no  
23 later than the school year following the effective date of this section.  
24 No later than the second year after the effective date of this section  
25 and as necessary thereafter, the commissioner shall conduct a review of  
26 district implementation to monitor compliance.

27 6. The boards of education or trustees of the cities and school  
28 districts of the state that choose not to adopt the model curriculum  
29 approved by the board of regents shall each establish an advisory coun-  
30 cil which shall make recommendations to the board of education or trus-  
31 tees concerning the curriculum, content, and evaluation of the compre-  
32 hensive sexuality education required pursuant to this section. The  
33 advisory council shall include, but need not be limited to, members of  
34 the school board or trustees, school authorities, a teacher designated  
35 by a teacher's collective bargaining organization, other staff, parents,  
36 students, and other representatives of the community. The board of  
37 education or trustees of a school district shall determine the curric-  
38 ulum and content of the program within the school district and shall be  
39 responsible for the evaluation of the program within the district and  
40 ensuring the program conforms in content and scope to the comprehensive  
41 sexuality education program established by the commissioner.

42 7. The board of education and trustees of the cities and school  
43 districts of the state shall establish a process by which a parent or  
44 guardian of a student may elect for the student not to participate in  
45 select lessons regarding HIV/AIDS prevention; provided, however, that  
46 such process shall require written notice signed by the student's parent  
47 or guardian for each school year.

48 8. As used in this article, "comprehensive sexuality education" means  
49 a medically accurate, age-appropriate sequential learning program which  
50 addresses physical, mental, emotional and social dimensions of human  
51 sexuality, is trauma-responsive and culturally appropriate, incorporates  
52 skills-based instruction; provides students with knowledge and skills  
53 they need to form relationships that are based on mutual respect and  
54 affection and that are free from violence, coercion, and intimidation;  
55 and are respectful and inclusive of all students regardless of actual or  
56 perceived race, color, weight, national origin, ethnic group, religion,

religious practice, disability, sexual orientation, or gender as defined in section eleven of this chapter. Comprehensive sexuality education shall include, but is not limited to, age-appropriate instruction on: (i) human anatomy, reproduction, and sexual development; (ii) consent, bodily autonomy, boundary-setting, bullying, and peer pressure; (iii) healthy relationships, including relationships involving diverse sexual orientations and gender identities and prevention of intimate partner violence, sexual violence and sexual harassment; (iv) methods for preventing pregnancy and sexually transmitted infections; (v) gender, gender expression, gender identity, diversity of sex characteristics, and the harms of gender stereotypes; (vi) the relationship between substance use and sexual behavior and health; and (vii) the use of technology and social media in interpersonal relationships.

§ 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.