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Committee Assignment: Assembly Freedom 2

Bill #: AF-10

1 **Sponsors:** Olivia Lombardo and Caitlin Fitzgerald

2 **An Act To** Amend § 804 Title 1 of Article 17 of the Education Law to improve and
3 expand the sexual health education curricula in all public schools in New York State by
4 mandating the teaching of consent and creating a task force to oversee its
5 implementation

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

7 **Purpose** This bill will mandate the creation of a task force responsible for establishing
8 and implementing a comprehensive, medically-accurate, and age- appropriate sexual
9 health education curricula in all schools for students in grades 1-12.

10 **Summary of Provisions**

11 Section 1: Definitions

12 Consent: Affirmative consent is a knowing, voluntary, and mutual decision among all
13 participants to engage in sexual activity. Consent can be given by words or actions, as
14 long as those words or actions create clear permission regarding willingness to engage
15 in the sexual activity. Silence or lack of resistance, in and of itself, does not
16 demonstrate consent. The definition of consent does not vary based upon a
17 participant's sex, sexual orientation, gender identity, or gender expression. Age-
18 appropriate: topics, messages and teaching methods suitable to particular ages or age
19 groups of students, based on developing cognitive, emotional, and behavioral capacity
20 typical for the age or age group.

21 Medically-accurate - verified or supported by the weight of research conducted in
22 compliance with accepted scientific methods and published in peer-reviewed journals,
23 where applicable, or comprising information that leading professional organizations
24 and agencies with relevant expertise in the field recognize as accurate, objective, and
25 complete.

26 School - a school under the jurisdiction of New York State Law.

27 Student - any student enrolled in a school under the jurisdiction of New York State
28 Law that has yet to receive a high school diploma.

29 Program/curricula - the curricula that the task force established in this bill will create
30 and implement.

31 Section 2: Provisions

32 2. DELETE § 804-a. Section 2. Replace with:

33 Any schooling institution shall be required to implement the comprehensive,
34 medically-accurate, and age-appropriate health education curricula to all students in
35 grades 1-12 on a yearly basis.

36 2. Parents/legal guardians of students in schools can opt out of the program.

37 Section 3: Curricula

38 § 804-a.3. A comprehensive, medically-accurate, and age-appropriate health
39 education curricula will be established by a task force of individuals and be given the



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40 authority to update and alter it as seen fit. At least twenty members will be appointed
41 in conjunction with the sitting New York State Senators (at the time this bill is put into
42 effect) and contain at least 20 individuals: minimum of six shall be experts in sexual
43 health education, five New York State public school teachers, four staff persons from
44 New York State public schools who are not teachers (such as a guidance counselor or
45 social worker), three experts in the field of lesbian, gay, bisexual, transgender,
46 questioning and gender non-conforming health education, and two representatives
47 from the Department of Health and Mental Hygiene.

48 2. After appointment, members of the task force established in this bill will be given
49 authority over the curricula that shall be established in all New York State public
50 schools. Nonetheless, these individuals will be given guidelines that must be followed:
51 1) curricula must include and expand upon the recommendations for sexual health
52 education as provided by the New York State Education Department, 2) curricula must
53 be age-appropriate, medically accurate, and medically affirming, 3) curricula must
54 cover sexual abuse prevention, healthy relationships and consent, and non-
55 heterosexual relationships, and 4) members of the task force are responsible for
56 oversight insofar as 4a) improving and expanding implementation and staff training
57 and 4b) ensuring that sexual health education is fully inclusive of lesbian, gay,
58 bisexual, transgender, gender nonconforming, questioning (LGBTQ) students, and the
59 diverse needs of students.

60 **Justification** It is a simple fact that teens are engaging in sexual intercourse - 70%
61 of teenagers in New York State reported to have had sex by the time they were 19.
62 However, with the prevalence of sex among youth in New York State without the
63 proper sexual health education, - 35% reported to have never learned consent in the
64 classroom - the dangers of intercourse are ever-present. By the time a woman enters
65 college, one in five of her female peers will be a victim of sexual assault or rape.
66 Learning consent throughout one's life ensures that sexual assault - currently at an all
67 time high - can be reduced; New York State has the eleventh-highest teenage
68 pregnancy rate in the nation, with almost 60 pregnancies per 1,000 girls aged 15-to-
69 19 each year. Despite reports released by the CDC and Planned Parenthood, little has
70 been changed; but, one thing remains certain: a lifelong approach to sexual education
71 is a sure solution to decreasing disease and unwanted pregnancies caused by sex.

72 **Fiscal Implications** There will be an estimated \$500,000 allocated to appropriate
73 startup measures and \$250,000 annually for other necessary steps to
74 maintain/change the curriculum and/or members in the task force. These costs are
75 modeled after the New York Education Department and New York Department of
76 Health. This funding will be calculated in accordance with § 804-a.1.

77 **Effective Date** This bill shall go into effect two years after passage