

# NEW YORK STATE PROFILE

Prepared with an interest in protecting the health and innocence of children, this profile provides an overview of sex education in New York, including:

- I. Chart showing [legal requirements for sex education](#) in this state
- II. [Profile of federal funding](#) the state has been awarded for sex education
- III. Chart of federally funded [programs/curricula used in state schools](#)
- IV. Overview of the state's [sex education legislation/guidelines](#)
- V. List of [how parental rights are being undermined](#) in this state
- VI. [News articles](#) regarding sex education in the state
- VII. [Opt-out form](#) to protect your child from comprehensive sexuality education (CSE)
- VIII. Suggestions for how you can [help protect child health and stop CSE](#)
- IX. [Resources](#) for up-to-date information about sex education in this state
- X. Contact information to [connect with others](#) who are concerned about this issue.



## I. LEGAL REQUIREMENTS FOR SEX EDUCATION IN NEW YORK

LEGISLATIVE REQUIREMENTS	YES	NO	N/A	CODE
Is Sex Education Required		X		135.3
Is Sex Education Implemented	X			1-17-804a, NYSED 135.3
<b>If so, what is Included:</b>				
Medically Accurate*	X			135
Age Appropriate	X			135.3(b.2, c.2)
Evidence-Based			X	
Culturally Appropriate and Unbiased	X			NYS Guidance Doc pg. 0
Reference/Stress Abstinence**	X			135.3(b.2, c.2)
Include HIV/AIDS Education	X			135.3(b.2, c.2)
LGBTQ Inclusive	X			NYS Guidance Doc pg. 41, 46
Include Safety Against Sexual Abuse			X	
Access to Condoms/Birth Control	X			135.3(c.2.ii)
Consent Education	X			135
Health Care Services	X			135
<b>Parental Role in Sexual Education:</b>				
Parents Must be Notified	X			135
Opt-In		X		
Opt-Out Option*	X			135.3(b.2, c.2), 4-65-1.3204.5

\*See each state's definition of "medically accurate."

\*\*While requirement may say "abstinence-based" or to "stress abstinence" as the standard, many CSE programs only mention abstinence in passing; they don't establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS.

**Note:** This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, **check the Resources listed below for any updates.** Also, **please alert us** if you are aware of any changes, proposed legislation or issues regarding CSE that may be occurring in your state by completing the contact form at [StopCSE.org/new-york](http://StopCSE.org/new-york) or by emailing [StopCSE@FamilyWatch.org](mailto:StopCSE@FamilyWatch.org).



## II. NEW YORK SEX EDUCATION FEDERAL FUNDING PROFILE

### Federal Government Programs and Grants Awarded for New York

**WARNING:** While grant requirements may state that curricula/programs are to be “evidence based” or “medically accurate” in order to receive funding, research shows that, often, funds go to curricula/programs that are ineffective (See [SexEdReport.org](http://SexEdReport.org)). In addition, content analyses show that many programs (Link to harmful CSE elements chart) normalize teen sex, encourage sexual pleasure-seeking, condone early sexual debut and promote high-risk sexual behaviors. **It is important to look at the actual content of every curricula rather than relying on labels assigned to them.**

**DASH—Division of Adolescent and School Health**, a division of the Centers for Disease Prevention (CDC), works with community partners to provide training and resource development for so-called “HIV, STD, and pregnancy prevention” programs in school-based and community settings.

- New York received DASH funds totaling \$491,162 in fiscal year 2016.

**PREP—The Personal Responsibility Education Programs**, under the Family and Youth Services Bureau (FYSB), provides grants for sex education programs that are sometimes called “abstinence plus” programs and that focus on “both abstinence and contraception.”

- New York received PREP funds totaling \$2,756,926 in fiscal year 2017.<sup>i</sup>

**SRAE—Sexual Risk Avoidance Education** grants go to curricula/programs that emphasize risk avoidance and teach youth to voluntarily refrain from non-marital sexual activity and other risky behaviors. Note: See warning above.

- New York received NO SRAE program funds in 2016.

**Title V—The TITLE V State Abstinence Education Grant Program** funds abstinence education and mentoring to promote abstinence. However, note that at least one Title V program promotes promiscuity as healthy and normal. As noted above, **it is important to look at the actual content of the curricula.**

- New York received a Title V award totaling \$4,036,26 in fiscal year 2017.<sup>ii</sup>

**TPP—The Teen Pregnancy Prevention** program, through the Office of Adolescent Health (OAH), funds comprehensive sex education programs for children aged 10 to 19. Note: Research shows that most TPP programs are ineffective at reducing pregnancy rates and some even increase risk. (See [SexEdReport.org](http://SexEdReport.org))

- New York received \$8,786,309 in funding for years 2015-2019.<sup>iii</sup>



### III. FEDERALLY FUNDED SEX EDUCATION PROGRAMS IN NEW YORK

**Note:** Programs in **red** text have been analyzed and found to contain harmful content for children. Programs not in red may or may not have harmful content.

See examples exposing harmful content in various CSE curricula and materials at [www.stopcse.org/cse-materials-index/](http://www.stopcse.org/cse-materials-index/). For example, the analysis of [Making a Difference](#), shows CSE programs sexualize children and encourage promiscuity and risky sexual behavior, typically without providing medically accurate information about the long-term risks associated with early sexual debut and experimentation.

#### Federally Funded Sex Education Programs / Curricula in New York

FUNDING SOURCE	PROGRAM OR CURRICULUM	FUNDING RECIPIENT
TPPP	Children’s Aid Society – Carrera Adolescent Pregnancy Prevention Program	The Children’s Aid Society
TPPP	<b>Making Proud Choices!</b> An Adaptation for Youth in Out-of-Home Care	The Children’s Aid Society
TPPP	Raising Healthy Children	Cicatelli Associates, Inc.
TPPP	<b>Be Proud! Be Responsible!</b>	Cicatelli Associates, Inc., Oswego County Opportunities, Inc., The New York PREP state-grant program
TPPP	Seventeen Days	Cicatelli Associates, Inc., Fund for Public Health in New York, Inc.
TPPP	Families Talking Together	Cicatelli Associates, Inc.
TPPP	<b>Reducing the Risk</b>	Cicatelli Associates, Inc., Fund for Public Health in New York, Inc.
TPPP	Teen Health Project	Fund for Public Health in New York, Inc.
TPPP	<b>Making Proud Choices!</b>	Oswego County Opportunities, Inc., The New York PREP State-Grant Program
TPPP	Achieving Condom Empowerment (ACE)-Plus	Cicatelli Associates, Inc.
TPPP	Fathers Raising Responsible Men	New York University
PREP	Project Aim	The New York PREP State-Grant Program
TITLE V	Successfully Transitioning Youth to Adolescents (STYA) program	The New York State Department of Health

See [stopcse.org/cse-materials-index/](http://stopcse.org/cse-materials-index/) for a menu of examples and analyses exposing the harmful elements to children of specific curricula and other CSE materials.



## **IV. OVERVIEW OF NEW YORK SEX EDUCATION LEGISLATION & GUIDELINES**

**The following laws and guidelines apply to sex education and how sex education is taught in New York.**

### **According to New York Education Title 1-9<sup>iv</sup> (As of Oct. 4, 2018)**

Title 1, Article 17, 804-a Comprehensive school health education demonstration program.

1. Within the amounts appropriated, the commissioner is hereby authorized to establish a demonstration program and to distribute state funds to local school districts, boards of cooperative educational services and in certain instances community school districts, for the development, implementation, evaluation, validation, demonstration and replication of exemplary comprehensive health education programs to assist the public schools in developing curricula, training staff, and addressing local health education needs of students, parents, and staff.

2. School districts or BOCES may contract with appropriate agencies or organizations to participate in such program. Such program shall be limited to health education at the elementary level and shall be designed on a multi-year basis. Such program shall include but not be limited to the following components:

- a. Developer grants for comprehensive school health education programs.
  - (i) Such grants shall include the development, implementation, and evaluation of a comprehensive health education program including such activities as:
    - (A) coordination of health instruction with other available programs in the school and the community related to health education;
    - (B) provision of inservice training and materials for elementary level school teachers in comprehensive health education;
    - (C) development and implementation of evaluation procedures to measure students' knowledge, skills, behaviors, and attitudes prior to and after project implementation; and
    - (D) development and implementation of a mechanism for project maintenance and long-range programming.
  - (ii) Upon successful completion of the above activities and the availability of funds, such grant recipients will assist other local educational agencies with replication.
- b. Health education regional training centers. Regional training centers for the purpose of developing materials and providing training programs to meet the needs of teachers statewide in the implementation of comprehensive school health education programs at the elementary level will be established.
- c. Statewide advocacy for comprehensive health education. Development and implementation of a statewide advocacy program to create an awareness on the part of school administrators of the need to develop strategies for implementing comprehensive school health education programs at the elementary level.
- d. Replication of validated health education programs. Grants will be awarded to local school districts or boards of cooperative educational services for the replication of nationally or state-validated exemplary health education programs.

**According to New York State Education Department<sup>v</sup>**

135.2 General regulations. (a) All schools under the jurisdiction of the State Education Department shall provide a program of health, physical education and recreation in an environment conducive to healthful living

### 135.3 Health education.

(a) Provision for health education. It shall be the duty of the trustees and boards of education to provide a satisfactory program in health education in accordance with the needs of pupils in all grades. This program shall include, but shall not be limited to, instruction concerning the misuse of alcohol, tobacco and other drugs.

(b) Health education in the elementary schools. (1) The elementary school curriculum shall include a sequential health education program for all pupils, grades K-6. In the kindergarten and primary grades, the teacher shall provide for pupil participation in planned activities for developing attitudes, knowledge and behavior that contribute to their own sense of self-worth, respect for their bodies and ability to make constructive decisions regarding their social and emotional, as well as physical, health. Personal health guidance shall also be provided according to the individual needs of pupils. This guidance shall include the development of specific habits necessary to maintain good individual and community health. In addition to continued health guidance, provision shall be made in the school program of grades 4-6 for planned units of teaching which shall include health instruction through which pupils may become increasingly self-reliant in solving their own health problems and those of the group. Health education in the elementary school grades shall be taught by the regular classroom teachers.

(2) All elementary schools shall provide appropriate instruction concerning the acquired immune deficiency syndrome (AIDS) as part of the sequential health education program for all pupils, grades K-6. Such instruction shall be designed to provide accurate information to pupils concerning the nature of the disease, methods of transmission, and methods of prevention; shall stress abstinence as the most appropriate and effective premarital protection against AIDS, and shall be age appropriate and consistent with community values. No pupil shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian of such pupil has filed with the principal of the school which the pupil attends a written request that the pupil not participate in such instruction, with an assurance that the pupil will receive such instruction at home. In public schools, such instruction shall be given during an existing class period using existing instructional personnel, and the board of education or trustees shall provide appropriate training and curriculum materials for the instructional staff who provide such instruction and instructional materials to the parents who request such materials. In public schools, the board of education or trustees shall establish an advisory council which shall be responsible for making recommendations concerning the content, implementation, and evaluation of an AIDS instruction program. The advisory council shall consist of parents, school board members, appropriate school personnel, and community representatives, including representatives from religious organizations. Each board of education or trustees shall determine the content of the curriculum and approve its implementation, and shall be responsible for the evaluation of the district's AIDS instruction program.

### c) Health education in the secondary schools.

(1) The secondary school curriculum shall include health education as a constant for all pupils. In addition to continued health guidance in the junior high school grades, provision shall also be made for a separate one-half year course. In addition to continued health guidance in the senior high school, provision shall also be made for an approved one-half unit course. Health education shall be required for all pupils in the junior and senior high school grades and shall be taught by teachers holding a certificate to teach health. A member of each faculty with approved preparation shall be designated as health coordinator, in order that the entire faculty may cooperate in realizing the potential healthteaching values of the school programs. The health coordinator shall insure that related school courses are conducted in a manner supportive of health education, and provide for cooperation with

community agencies and use of community resources necessary for achieving a complete school - community health education program.

(2) (i) All secondary schools shall provide appropriate instruction concerning the acquired immune deficiency syndrome (AIDS) as part of required health education courses in grades 7-8 and in grades 9-12. Such instruction shall be designed to provide accurate information to pupils concerning the nature of the disease, methods of transmission, and methods of prevention; shall stress abstinence as the most appropriate and effective premarital protection against AIDS, and shall be age appropriate and consistent with community values. No pupil shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian of such pupil has filed with the principal of the school which the pupil attends a written request that the pupil not participate in such instruction, with an assurance that the pupil will receive such instruction at home. In public schools, such instruction shall be given during an existing class period using existing instructional personnel, and the board of education or trustees shall provide appropriate training and curriculum materials for the instructional staff who provide such instruction and instructional materials to the parents who request such materials. In public schools, the board of education or trustees shall establish an advisory council which shall be responsible for making recommendations concerning the content, implementation, and evaluation of an AIDS instruction program. The advisory council shall consist of parents, school board members, appropriate school personnel, and community representatives, including representatives from religious organizations. Each board of education or trustees shall determine the content of the curriculum and approve its implementation and shall be responsible for the evaluation of the district's AIDS instruction program.

(ii) Boards of education or trustees that make condoms available to pupils as part of the district's AIDS instruction program shall:

(a) submit a condom distribution policy to the advisory council for appropriate recommendations;

(b) make condoms available only to pupils who participate in an appropriate AIDS instruction program as defined in this section;

(c) provide each pupil receiving condoms with accurate and complete personal health guidance as to the risks of disease that may result from the pupil's use or misuse of such product, which appropriately takes into account the child's age;

(d) assure that such personal health guidance is provided by health service personnel or school personnel trained and supervised by competent health professionals or health educators; and

(e) submit for approval by the commissioner a plan for the training of health service personnel, as defined in section 136.1(c) of this Title, or school personnel who will provide such personal health guidance. Such plan shall be approved upon a finding of the commissioner that the training is adequate to prepare such personnel or school personnel to provide the required personal health guidance in an effective manner.

### **According to New York City Department of Education<sup>vi</sup>**

High schools are required (by the New York City Department of Education HIV/AIDS prevention program) to provide Health Resource Rooms where free condoms, health information, and health referrals are made available to students in grades 9-12 by trained staff. Parents and legal guardians may opt their student out of receiving condoms. However, all students may receive information and referrals to health services.

In New York State, public schools are not required to teach students sexual health education as part of the New York State Education Department (NYSED)'s health education mandate. Schools must offer basic HIV/AIDS education to all students K-12, but the decision to offer sexual health education as described in the previous section is left to local school districts.

### **Health Resource Room (HRR)/Condom Availability Program (CAP) Requirements<sup>vii</sup>**

- Each school must have at least one trained male and one trained female staff.
- Parent opt-out letters must be provided to parents of all new students upon enrollment.

- A confidential list of all students who have opted-out must be available to all CAP staff. Students will be identified by ID numbers only; names will not be used.
- Confidentiality is critical to CAP.
- CAP must be available for at least ten periods a week for the duration of the school year.
- CAP schedule and locations must be clearly advertised for all students via the student letter and posters.
- Trusted health referrals must be made available.
- Health Resource Room(s) must be safe, supportive and inclusive zones for all students.

### **Age of Majority<sup>viii</sup> =**

Based on New York law, anyone under the age of 19 is considered a minor, while those 19 years old and older are considered adults.

### **Age of Consent<sup>ix</sup> =**

In New York the age when children can legally consent or agree to sex is 17.



## **V. PARENTAL RIGHTS AT RISK IN NEW YORK**

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent.**

It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

Without notifying or receiving consent from their parents, minor children in New York, may consent to and receive:

- All contraceptive services
- All STI (sexually transmitted infection) services
- All prenatal care services
- All adoption services



## VI. NEWS HEADLINES FROM NEW YORK

**September 29, 2018 - “Only these 8 states require sex education classes to mention consent**

<https://pix11.com/2018/09/29/only-these-8-states-require-sex-education-classes-to-mention-consent/>

**May 1, 2017- “Sometimes the birds and bees get short shrift in school”**

[https://www.nytimes.com/2017/05/01/nyregion/sometimes-the-birds-and-the-bees-get-short-shrift-in-school.html?\\_r=1](https://www.nytimes.com/2017/05/01/nyregion/sometimes-the-birds-and-the-bees-get-short-shrift-in-school.html?_r=1)

**July 27, 2017- “Rochester loses \$2M in teen pregnancy prevention funds”**

<https://www.democratandchronicle.com/story/news/2017/07/27/rochester-teen-pregnancy-trump-slaughter/512534001/>



## VII. OPT-OUT FORM

By signing a parental non-consent form, also known as an opt-out form, parents can protect their children from being subjected to harmful CSE programs. Download and print the provided form and modify it as needed (see included instructions). Sign it and take it to your child’s school, and ask that it be put on file as part of your child’s permanent record and that all teachers and instructors be notified.

A sample opt-out form, provided by Liberty Counsel, along with instructions for use, can be found at: [stopcse.org/new-york](http://stopcse.org/new-york)



## VIII. GET INVOLVED TO STOP CSE

**You can get involved to stop CSE and protect the health and innocence of children across the U.S. and in countries around the world:**

1. Sign the Stop CSE petition at [stopcse.org/petition/](http://stopcse.org/petition/)
2. Watch the “War Against Children” documentary and share this link to the documentary with your friends and neighbors at [stopcse.org/film/](http://stopcse.org/film/)
3. Connect with others in your state who are working to Stop CSE in your schools to see how you can get involved. Go to [stopcse.org/new-york](http://stopcse.org/new-york) to connect.





## IX. RESOURCES

- New York State Department of Education Sexual Health Education Requirements - <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/cr135.pdf>
- New York State Department of Education Health Education - <http://www.nysed.gov/curriculum-instruction/health-education>
- New York City Department of Education Condom Availability Program (CAP) - <https://www.schools.nyc.gov/school-life/health-and-wellness/condom-availability-program>
- New York City Health/Sexual Education - <https://www.schools.nyc.gov/school-life/learning/subjects/health-education> , <https://www1.nyc.gov/assets/genderequity/downloads/pdf/Sex-Ed-Task-Force-Report-2018.pdf>
- New York School Based Health Center - <https://www.schools.nyc.gov/school-life/health-and-wellness/school-based-health-centers>
- New York Legislation - <http://assembly.state.ny.us/>
- Legislation websites by state - <https://www.congress.gov/state-legislature-websites>
- U.S. Department of Health and Human Resource TPPP page - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/current-grantees/index.html>
- U.S. Department of Health and Human Resource other state funding - <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>
- TPPP Funding - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>
- Abstinence Education Grant Program Medical Accuracy Guide - [https://www.acf.hhs.gov/sites/default/files/fysb/medical\\_accuracy\\_aegp.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/medical_accuracy_aegp.pdf)

### Additional Resources:

- DOCUMENTARY: *The War on Children: The Comprehensive Sexuality Education Agenda* (FWI Documentary) – <https://stopcse.org>
- STUDY: Re-Examining the Evidence: School-based Comprehensive Sex Education in the United States (IRE Study) – [www.sexedreport.org](http://www.sexedreport.org)
- REPORT: An Evidence-Based Response to a Critique of Abstinence Education (IRE Report) - [https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE\\_Response\\_To\\_Santelli\\_Article\\_4-20-18.pdf](https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE_Response_To_Santelli_Article_4-20-18.pdf)



## X. CONNECT WITH OTHERS

Let us put you in contact with other people and organizations who are actively involved in helping to protect the health and innocence of children.

Fill out the contact form on [www.stopcse.org/new-york](http://www.stopcse.org/new-york) or email us your name, city, state, school district, and any questions or concerns you may have and we will put you in contact with people from your state or one of our national representatives.

Email Address: [StopCSE@familywatch.org](mailto:StopCSE@familywatch.org)

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<sup>i</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>ii</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>iii</sup> <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>

<sup>iv</sup> <http://public.leginfo.state.ny.us/lawsrch.cgi?NVLWO>: (select “laws” and click EDN)

<sup>v</sup> <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/cr135.pdf>

<sup>vi</sup> <https://www1.nyc.gov/assets/genderequity/downloads/pdf/Sex-Ed-Task-Force-Report-2018.pdf>

<sup>vii</sup> <https://infohub.nyced.org/partners-and-providers/health-and-wellness/condom-availability-program>

<sup>viii</sup> <http://statelaws.findlaw.com/family-laws/legal-ages.html>

<sup>ix</sup> <https://www.legalmatch.com/law-library/article/age-of-consent-by-state.html?intakeredesigned=1>