



Mandatory Comprehensive Sex Education in Grades K-12 (Bill A.4604-Gonzalez-Rojas)

MEMORANDUM OF OPPOSITION

Bill A.4604-Gonzalez-Rojas would require public schools, including charter schools, to offer comprehensive sex education to all students in grades K-12 in accordance with state-created criteria. Because this bill is a massive government overreach that would usurp parental authority and pave the way for inappropriate curriculum and instruction, New Yorkers should unite in opposition to it.

This legislation would require the commissioner of the New York State Education Department (NYSED) to create a comprehensive sexuality education program in accordance with “national sexuality education standards.” The program would receive input from experts, including experts in “reproductive and sexual health care” and experts in “serving lesbian, gay, bisexual, and transgender and questioning youth.” School districts would be required to provide comprehensive sex education in the academic year following the effective date of the program; thereafter, NYSED would “conduct a review of district implementation to monitor compliance.” The bill provides for a parental opt-out for HIV/AIDS instruction.

The bill’s definition of “comprehensive sexuality education” reads as follows:

As used in this article, “comprehensive sexuality education” means a medically accurate, age-appropriate sequential learning program which addresses physical, mental, emotional and social dimensions of human sexuality, is trauma-responsive and culturally appropriate, incorporates skills-based instruction; provides students with knowledge and skills they

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need to form relationships that are based on mutual respect and affection and that are free from violence, coercion, and intimidation; and are respectful and inclusive of all students regardless of actual or 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.

This language would make every school in New York a platform for instructing children in liberal notions about sexuality and gender. There is no consensus about these issues in the state of New York, and there certainly is no consensus about how or when to teach children about them in school. New York’s public schools should leave these issues to parents. Parents—not public schools—are primarily responsible for instructing their children about sexuality and relationships. The Legislature should recognize the limited role of public schools and should refrain from directing schools to overstep their bounds.

Furthermore, the instructional content to be covered under the proposed bill is problematic in the following respects:

- There is no such thing as “age-appropriate” sex education for children in kindergarten;
- Instruction on “boundary-setting” and on the “mental, emotional and social dimensions of human sexuality” falls outside the scope of academic instruction. School is not therapy;
- The inclusion of material that affirms homosexual behavior and transgenderism is unnecessary, divisive, and disrespectful of families whose faith traditions discourage such behaviors;

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- The inclusion of input from experts on “reproductive and sexual health care” raises concerns about the potential for inclusion of favorable instruction regarding abortion; and
- The bill does not require the use of a risk avoidance/abstinence-based approach to sex education. In fact, such an approach is not even mentioned.

Finally, the opt-out provision contained in the bill is woefully inadequate. It would allow parents to opt their children out of instruction pertaining to HIV and AIDS, but would not allow them to opt out of instruction on the many other controversial and objectionable topics to be included in the proposed curriculum.

Bill A.4604-Gonzalez-Rojas is a dangerous measure that must not become law.

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