

7030

I N S E N A T E

April 24, 2012

Introduced by Sens. McDONALD, DeFRANCISCO, GOLDEN, LARKIN -- read twice
and ordered printed, and when printed to be committed to the Committee
on Alcoholism and Drug Abuse

AN ACT to amend the education law, in relation to including instruction
in mental health within health education in schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 804 of the education law, as added by chapter 982
2 of the laws of 1977, the section heading as amended and subdivision 3-a
3 as added by chapter 401 of the laws of 1998, subdivision 3 as amended by
4 chapter 674 of the laws of 2004, and subdivision 4 as amended by chapter
5 181 of the laws of 2000, is amended to read as follows:
6 S 804. Health education regarding MENTAL HEALTH, alcohol, drugs,
7 tobacco abuse and the prevention and detection of certain cancers. 1.
8 ALL SCHOOLS UNDER THE JURISDICTION OF THE DEPARTMENT SHALL ENSURE THAT
9 THEIR HEALTH EDUCATION PROGRAMS RECOGNIZE THE MULTIPLE DIMENSIONS OF
10 HEALTH BY INCLUDING MENTAL HEALTH AND THE RELATION OF PHYSICAL AND
11 MENTAL HEALTH SO AS TO ENHANCE STUDENT UNDERSTANDING, ATTITUDES AND
12 BEHAVIORS THAT PROMOTE HEALTH, WELL-BEING AND HUMAN DIGNITY.
13 2. All schools shall include, as an integral part of health education,
14 instruction so as to discourage the misuse and abuse of alcohol, tobac-
15 co, and other drugs and promote attitudes and behavior that enhance
16 health, well being, and human dignity.
17 [2.] 3. Instruction regarding alcohol, tobacco, and other drugs shall
18 be included in the health education provided for all elementary school
19 pupils and shall be taught by the regular classroom teachers or by
20 teachers certified to teach health education. Such instruction shall be
21 designed according to the needs and abilities of the pupils at succes-
22 sive grade levels with the purpose of developing desirable health behav-
23 ior, attitudes, and knowledge as well as self-reliance and problem solv-
24 ing capacity.
25 [3.] 4. Instruction regarding alcohol, tobacco, and other drugs, in
26 addition to continued health guidance in the junior high school grades
27 and the senior high schools, shall be an integral part of a required

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

LBD14964-03-2

1 health education course at each of these levels in the secondary schools
2 curriculum. Students shall be required to demonstrate knowledge in the
3 subject area through the use of a test, graded project or report, or any
4 other means prescribed by the school authorities regarding alcohol,
5 drugs, and tobacco. Any such course shall be taught by teachers holding
6 a certificate to teach health. Related courses in the secondary school
7 curriculum shall be taught in a manner supportive of health education
8 regarding alcohol, tobacco, and other drugs. In addition, instruction
9 regarding the dangers of driving while under the influence of alcohol or
10 drugs shall be an integral part of a required health education course in
11 the senior high schools. Such instruction shall be provided in all
12 senior high schools whether or not these schools also provide driver
13 education courses.

14 [3-a.] 5. Instruction regarding methods of prevention and detection of
15 certain cancers, including but not limited to breast cancer, skin
16 cancer, testicular cancer and other cancers where certain preventive
17 measures have become generally accepted and certain detection methods
18 have been adopted and recommended generally to the public. Such instruc-
19 tion shall be an integral part of a required health education course at
20 the senior high school level, in addition to continued health guidance
21 in senior high schools. Any such course shall be taught by teachers
22 holding a certificate to teach health.

23 [4.] 6. a. The commissioner may prescribe in regulations such health
24 education courses which include instruction regarding alcohol, tobacco,
25 and other drugs as the commissioner may deem necessary and desirable for
26 the welfare of pupils and the community. The contents may be varied to
27 meet the needs of particular school districts, or portions thereof, and
28 need not be uniform throughout the state, provided, however, that school
29 districts shall utilize either the curriculum for health education
30 instruction regarding alcohol, tobacco and other drugs prescribed by the
31 commissioner or a course approved by the commissioner in accordance with
32 criteria established by the commissioner.

33 b. The commissioner shall make available an interpersonal violence
34 prevention education package for grades kindergarten through twelve,
35 which package may consist of student pamphlets, parent pamphlets, vide-
36 otapes and other informative materials to be distributed to school
37 districts, and shall encourage the use of such material as part of the
38 health or other related curricula or programs.

39 c. The regents shall review the health curriculum requirements in
40 existence on the effective date of this paragraph for the purpose of
41 streamlining such curriculum and identifying any outdated components
42 that may be eliminated or consolidated in order to ensure that students
43 have sufficient time and instruction to develop skills to address issues
44 of violence prevention and mental health. To the extent appropriate, the
45 regents shall modify the existing curriculum to provide greater focus on
46 the development of skills, by no later than middle school, that are
47 needed to recognize, cope with and address potentially violent inci-
48 dents[,] including an understanding of [student's] STUDENT roles in
49 emergency situations[, what to do when confronted with another student
50 who is experiencing a mental health problem,] and other related skills
51 designed to reduce the threat of violence in schools.

52 [5.] 7. School authorities shall provide the needed facilities, time,
53 and place for the instruction set forth herein and shall provide learn-
54 ing aids and curriculum resource materials which contribute to effective
55 teaching methods and learning in health education regarding alcohol,
56 tobacco, and other drugs.

1 [6.] 8. All pre-service training programs in the state for elementary
2 teachers shall include adequate preparation regarding the instruction in
3 alcohol, tobacco, and other drugs set forth herein, and no teacher shall
4 be licensed except upon satisfactory demonstration of the competencies
5 included in the institutional proposals approved by the [education]
6 department.

7 [7.] 9. Nothing contained in this section shall be deemed to diminish
8 or impair the duties of the commissioner with respect to the continuing
9 program for critical health problems established by chapter seven
10 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
11 amended. The commissioner shall coordinate actions taken under authority
12 of this section with the provisions of said chapter as they relate to
13 health education in schools, inservice training and training programs,
14 and curriculum or syllabus development regarding the deleterious effects
15 resulting from the use, misuse, and abuse of alcohol, tobacco, and other
16 drugs.

17 S 2. This act shall take effect July 1, 2012.