

5359

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to a mental health education curriculum

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

1 Section 1. Legislative intent. The legislature recognizes the impor-
2 tance of providing a quality education to all New York students. Quality
3 education must continue to include comprehensive health education. While
4 schools presently provide instruction in health education, the legisla-
5 ture finds it important that the law provide the flexibility to reflect
6 current learning standards and curriculum development as administered by
7 the New York State Education Department and local school districts.
8 Furthermore, it is important that statute recognize developing technolo-
9 gy and existing curriculum materials to ensure that schools and teachers
10 are provided with the most beneficial health education information, and
11 that both health and mental health are taught with the idea of
12 prevention, cure and control and without stigma or emotional harm. The
13 law should provide flexibility to allow the commissioner of education to
14 respond to the changing needs of the educational community to provide
15 students with the tools and resources to live healthy lives, as it will
16 only serve to improve educational performance and student outcomes.

17 S 2. Section 804 of the education law, as added by chapter 982 of the
18 laws of 1977, the section heading as amended and subdivision 3-a as
19 added by chapter 401 of the laws of 1998, subdivision 3 as amended by
20 chapter 674 of the laws of 2004, and subdivision 4 as amended by chapter
21 181 of the laws of 2000, is amended to read as follows:

22 S 804. Health education [regarding alcohol, drugs, tobacco abuse and
23 the prevention and detection of certain cancers]. 1. All schools [shall]
24 ARE ENCOURAGED TO include, as an integral part of health education,
25 instruction [so as to discourage the misuse and abuse of alcohol, tobac-
26 co, and other drugs and promote attitudes and behavior that enhance
27 health, well being, and human dignity.] IN THE UNDERSTANDINGS, ATTITUDES
28 AND BEHAVIORS WITH REGARD TO THE SEVERAL DIMENSIONS OF HEALTH. THIS

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

LBD11096-01-3

1 INSTRUCTION SHALL RELATE TO ALCOHOL, TOBACCO AND OTHER DRUGS, SAFETY,
2 MENTAL HEALTH, NUTRITION, DENTAL HEALTH, SENSORY PERCEPTION, DISEASE
3 PREVENTION AND CONTROL, ENVIRONMENTAL AND PUBLIC HEALTH, CONSUMER
4 HEALTH, FIRST AID, AND OTHER HEALTH-RELATED AREAS. SUCH HEALTH EDUCATION
5 SHALL BE ADMINISTERED AND ASSESSED WITH THE GOALS OF PROVIDING STUDENTS
6 WITH THE NECESSARY KNOWLEDGE AND SKILLS TO: ESTABLISH AND MAINTAIN PHYS-
7 ICAL FITNESS, PARTICIPATE IN PHYSICAL ACTIVITY; AND MAINTAIN PERSONAL
8 HEALTH; ACQUIRE THE KNOWLEDGE AND ABILITY NECESSARY TO CREATE AND MAIN-
9 TAIN A SAFE AND HEALTHY ENVIRONMENT; UNDERSTAND AND MANAGE PERSONAL AND
10 COMMUNITY RESOURCES TO SUSTAIN OVERALL HEALTH.

11 1-A. SUCH HEALTH EDUCATION SHALL BE PROVIDED IN AN AGE-APPROPRIATE
12 MANNER BY THE REGULAR CLASSROOM TEACHER, OR BY A TEACHER CERTIFIED TO
13 TEACH HEALTH EDUCATION.

14 1-B. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO FULFILL THE
15 REQUIREMENTS OF THIS SECTION AND TO ENSURE THAT STUDENTS ARE PROPERLY
16 INSTRUCTED IN THESE AREAS VITAL TO ENSURING CONTINUING DEVELOPMENT OF
17 HEALTH SKILLS AND PROVIDING ACCESS TO AVAILABLE RESOURCES FOR PROMOTING
18 HEALTHY LIVING.

19 2. Instruction regarding alcohol, tobacco, and other drugs shall be
20 included in the health education provided for all elementary school
21 pupils and shall be taught by the regular classroom teachers or by
22 teachers certified to teach health education. Such instruction shall be
23 designed according to the needs and abilities of the pupils at succes-
24 sive grade levels with the purpose of developing desirable health behav-
25 ior, attitudes, and knowledge as well as self-reliance and problem solv-
26 ing capacity.

27 3. Instruction regarding alcohol, tobacco, and other drugs, in addi-
28 tion to continued health guidance in the junior high school grades and
29 the senior high schools, shall be an integral part of a required health
30 education course at each of these levels in the secondary schools
31 curriculum. [Students shall be required to demonstrate knowledge in the
32 subject area through the use of a test, graded project or report, or any
33 other means prescribed by the school authorities regarding alcohol,
34 drugs, and tobacco.] Any such course shall be taught by teachers holding
35 a certificate to teach health. Related courses in the secondary school
36 curriculum shall be taught in a manner supportive of health education
37 regarding alcohol, tobacco, and other drugs. In addition, instruction
38 regarding the dangers of driving while under the influence of alcohol or
39 drugs shall be an integral part of a required health education course in
40 the senior high schools. Such instruction shall be provided in all
41 senior high schools whether or not these schools also provide driver
42 education courses.

43 3-a. Instruction regarding methods of prevention and detection of
44 certain cancers, including but not limited to breast cancer, skin
45 cancer, testicular cancer and other cancers where certain preventive
46 measures have become generally accepted and certain detection methods
47 have been adopted and recommended generally to the public. Such instruc-
48 tion shall be an integral part of a required health education course at
49 the senior high school level, in addition to continued health guidance
50 in senior high schools. Any such course shall be taught by teachers
51 holding a certificate to teach health.

52 4. a. [The commissioner may prescribe in regulations such health
53 education courses which include instruction regarding alcohol, tobacco,
54 and other drugs as the commissioner may deem necessary and desirable for
55 the welfare of pupils and the community] THE COMMISSIONER SHALL PROMUL-
56 GATE REGULATIONS TO FULFILL THE REQUIREMENTS OF THIS SECTION AND TO

1 ENSURE THAT STUDENTS ARE PROPERLY INSTRUCTED IN THESE AREAS VITAL TO
2 CONTINUING DEVELOPMENT OF HEALTH SKILLS AND PROVIDING ACCESS TO AVAIL-
3 ABLE RESOURCES FOR PROMOTING HEALTHY LIVING, INCLUDING BUT NOT LIMITED
4 TO INSTRUCTION ON THE IMPORTANCE OF SEEKING COUNSELING TO ADDRESS MENTAL
5 HEALTH ISSUES THAT ARE IMPACTING A STUDENT'S ABILITY TO LEARN. The
6 contents may be varied to meet the needs of particular school districts,
7 or portions thereof, and need not be uniform throughout the state,
8 provided, however, that school districts shall utilize either the
9 curriculum for health education instruction [regarding alcohol, tobacco
10 and other drugs] prescribed by the commissioner or a course approved by
11 the commissioner in accordance with criteria established by the commis-
12 sioner.

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

19 c. The regents shall review the health curriculum requirements in
20 existence on the effective date of this paragraph for the purpose of
21 streamlining such curriculum and identifying any outdated components
22 that may be eliminated or consolidated in order to ensure that students
23 have sufficient time and instruction to develop skills to address issues
24 of violence prevention and mental health. To the extent appropriate, the
25 regents shall modify the existing curriculum to provide greater focus on
26 the development of skills, by no later than middle school, that are
27 needed to recognize, cope with and address potentially violent inci-
28 dents, including an understanding of student's roles in emergency situ-
29 ations, what to do when confronted with another student who is [experi-
30 encing a mental health problem, and other related skills designed to
31 reduce the threat of violence in schools.] EXHIBITING BEHAVIOR THAT
32 CAUSES CONCERN OR ALARM FOR THE SAFETY OF THE STUDENT OR OTHERS.

33 5. School authorities shall provide the needed facilities, time, and
34 place for the instruction set forth herein and shall provide learning
35 aids and curriculum resource materials which contribute to effective
36 teaching methods and learning in health education [regarding alcohol,
37 tobacco, and other drugs].

38 6. All pre-service training programs in the state for elementary
39 teachers shall include adequate preparation regarding the instruction in
40 alcohol, tobacco, and other drugs set forth herein, and no teacher shall
41 be licensed except upon satisfactory demonstration of the competencies
42 included in the institutional proposals approved by the education
43 department.

44 7. Nothing contained in this section shall be deemed to diminish or
45 impair the duties of the commissioner with respect to the continuing
46 program for critical health problems established by chapter seven
47 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
48 amended. The commissioner shall coordinate actions taken under authority
49 of this section with the provisions of said chapter as they relate to
50 health education in schools, inservice training and training programs,
51 and curriculum or syllabus development [regarding the deleterious
52 effects resulting from the use, misuse, and abuse of alcohol, tobacco,
53 and other drugs].

54 S 3. This act shall take effect immediately.