

S T A T E O F N E W Y O R K

1911--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. NOLAN, CUSICK, BARRETT, ROBERTS -- Multi-Sponsored by -- M. of A. SOLAGES -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to clarifying health education

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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, tobacco[,]
15 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

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

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1 designed according to the needs and abilities of the pupils at succes-
2 sive grade levels with the purpose of developing desirable health behav-
3 ior, attitudes, and knowledge as well as self-reliance and problem solv-
4 ing capacity.

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

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

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

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

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

1 who is experiencing a mental health problem,] and other related skills
2 designed to reduce the threat of violence in schools.

3 [5.] 7. School authorities shall provide the needed facilities, time,
4 and place for the instruction set forth herein and shall provide learn-
5 ing aids and curriculum resource materials which contribute to effective
6 teaching methods and learning in health education regarding alcohol,
7 tobacco, and other drugs.

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

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

24 S 2. This act shall take effect July 1, 2014.