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I N   A S S E M B L Y

May 23, 2014

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Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the  
Committee on Children and Families

AN ACT to amend the education law and the social services law, in  
relation to coursework or training regarding the identification and  
reporting of child abuse and maltreatment

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

1     Section 1. Paragraph a of subdivision 3 of section 6507 of the educa-  
2     tion law, as amended by chapter 356 of the laws of 2006, is amended to  
3     read as follows:  
4     a. Establish standards for preprofessional and professional education,  
5     experience and licensing examinations as required to implement the arti-  
6     cle for each profession. Notwithstanding any other provision of law, the  
7     commissioner shall establish standards requiring that all persons apply-  
8     ing, on or after January first, nineteen hundred ninety-one, initially,  
9     or for the renewal of, a license, registration or limited permit to be a  
10    physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
11    trist, psychiatrist, psychologist, licensed master social worker,  
12    licensed clinical social worker, licensed creative arts therapist,  
13    licensed marriage and family therapist, licensed mental health counse-  
14    lor, licensed psychoanalyst, or dental hygienist shall, in addition to  
15    all the other licensure, certification or permit requirements, AND EVERY  
16    THREE YEARS THEREAFTER, have completed two hours of coursework or train-  
17    ing regarding the identification and reporting of child abuse and  
18    maltreatment. The coursework or training shall be obtained from an  
19    institution or provider which has been approved by the department to  
20    provide such coursework or training. The coursework or training shall  
21    include information regarding the physical and behavioral indicators of  
22    child abuse and maltreatment and the statutory reporting requirements  
23    set out in sections four hundred thirteen through four hundred twenty of  
24    the social services law, including but not limited to, when and how a  
25    report must be made, what other actions the reporter is mandated or  
26    authorized to take, the legal protections afforded reporters, and the  
27    consequences for failing to report. Such coursework or training may also

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

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1 include information regarding the physical and behavioral indicators of  
2 the abuse of individuals with [mental retardation and other] develop-  
3 mental disabilities and voluntary reporting of abused or neglected  
4 adults to the office [of mental retardation and] FOR PEOPLE WITH devel-  
5 opmental disabilities or the local adult protective services unit. Each  
6 applicant shall provide the department with documentation showing that  
7 he or she has completed the required training. The department shall  
8 provide an exemption from the child abuse and maltreatment training  
9 requirements to any applicant who requests such an exemption and who  
10 shows, to the department's satisfaction, that there would be no need  
11 because of the nature of his or her practice for him or her to complete  
12 such training;

13 S 2. Paragraph a of subdivision 3 of section 6507 of the education  
14 law, as amended by chapter 554 of the laws of 2013, is amended to read  
15 as follows:

16 a. Establish standards for preprofessional and professional education,  
17 experience and licensing examinations as required to implement the arti-  
18 cle for each profession. Notwithstanding any other provision of law, the  
19 commissioner shall establish standards requiring that all persons apply-  
20 ing, on or after January first, nineteen hundred ninety-one, initially,  
21 or for the renewal of, a license, registration or limited permit to be a  
22 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
23 trist, psychiatrist, psychologist, licensed master social worker,  
24 licensed clinical social worker, licensed creative arts therapist,  
25 licensed marriage and family therapist, licensed mental health counse-  
26 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
27 analyst, or certified behavior analyst assistant shall, in addition to  
28 all the other licensure, certification or permit requirements, AND EVERY  
29 THREE YEARS THEREAFTER, have completed two hours of coursework or train-  
30 ing regarding the identification and reporting of child abuse and  
31 maltreatment. The coursework or training shall be obtained from an  
32 institution or provider which has been approved by the department to  
33 provide such coursework or training. The coursework or training shall  
34 include information regarding the physical and behavioral indicators of  
35 child abuse and maltreatment and the statutory reporting requirements  
36 set out in sections four hundred thirteen through four hundred twenty of  
37 the social services law, including but not limited to, when and how a  
38 report must be made, what other actions the reporter is mandated or  
39 authorized to take, the legal protections afforded reporters, and the  
40 consequences for failing to report. Such coursework or training may also  
41 include information regarding the physical and behavioral indicators of  
42 the abuse of individuals with [mental retardation and other] develop-  
43 mental disabilities and voluntary reporting of abused or neglected  
44 adults to the office [of mental retardation and] FOR PEOPLE WITH devel-  
45 opmental disabilities or the local adult protective services unit. Each  
46 applicant shall provide the department with documentation showing that  
47 he or she has completed the required training. The department shall  
48 provide an exemption from the child abuse and maltreatment training  
49 requirements to any applicant who requests such an exemption and who  
50 shows, to the department's satisfaction, that there would be no need  
51 because of the nature of his or her practice for him or her to complete  
52 such training;

53 S 3. Subdivision 4 of section 3003 of the education law, as amended by  
54 chapter 737 of the laws of 1992, is amended to read as follows:

55 4. Notwithstanding any other provision of law, the commissioner shall  
56 require that any person applying, on or after January first, nineteen

1 hundred ninety-one, for a superintendent's certificate shall, in addi-  
2 tion to all the other requirements, AND EVERY THREE YEARS THEREAFTER,  
3 have completed two hours of coursework or training regarding the iden-  
4 tification and reporting of child abuse and maltreatment. The coursework  
5 or training shall be obtained from an institution or provider which has  
6 been approved by the department to provide such coursework or training.  
7 The coursework or training shall include information regarding the phys-  
8 ical and behavioral indicators of child abuse and maltreatment and the  
9 statutory reporting requirements set out in sections four hundred thir-  
10 teen through four hundred twenty of the social services law, including  
11 but not limited to, when and how a report must be made, what other  
12 actions the reporter is mandated or authorized to take, the legal  
13 protections afforded reporters, and the consequences for failing to  
14 report. Each applicant shall provide the department with documentation  
15 showing that he or she has completed the required training.

16 S 4. Subdivision 2 of section 3004 of the education law, as amended by  
17 chapter 737 of the laws of 1992, is amended to read as follows:

18 2. Notwithstanding any other provision of law, the commissioner shall  
19 prescribe regulations requiring that all persons applying, on or after  
20 January first, nineteen hundred ninety-one, for a certificate or license  
21 to be a teacher shall, in addition to all the other certification or  
22 licensure requirements, AND EVERY THREE YEARS THEREAFTER, have completed  
23 two hours of coursework or training regarding the identification and  
24 reporting of child abuse and maltreatment. The coursework or training  
25 shall be obtained from an institution or provider which has been  
26 approved by the department to provide such coursework or training. The  
27 coursework or training shall include information regarding the physical  
28 and behavioral indicators of child abuse and maltreatment and the statu-  
29 tory reporting requirements set out in sections four hundred thirteen  
30 through four hundred twenty of the social services law, including but  
31 not limited to, when and how a report must be made, what other actions  
32 the reporter is mandated or authorized to take, the legal protections  
33 afforded reporters, and the consequences for failing to report. Each  
34 applicant shall provide the department with documentation showing that  
35 he or she has completed the required training.

36 S 5. The closing paragraph of section 3007 of the education law, as  
37 amended by chapter 544 of the laws of 1988, is amended to read as  
38 follows:

39 Such endorsement confers on the holder of such diploma or certificate  
40 the privileges conferred by law on the holder of the diploma of a state  
41 teachers college or state college for teachers or state certificate  
42 issued in this state. Notwithstanding any other provision of law, the  
43 commissioner shall require that any person seeking endorsement of a  
44 foreign certificate or diploma, on or after January first, nineteen  
45 hundred ninety-one, AND EVERY THREE YEARS THEREAFTER, shall have  
46 completed two hours of coursework or training regarding the identifica-  
47 tion and reporting of child abuse and maltreatment. The coursework or  
48 training shall be obtained from an institution or provider which has  
49 been approved by the department to provide such course work or training.  
50 The coursework or training shall include information regarding the phys-  
51 ical and behavioral indicators of child abuse and maltreatment and the  
52 statutory reporting requirements set out in sections four hundred thir-  
53 teen through four hundred twenty of the social services law, including  
54 but not limited to, when and how a report must be made, what other  
55 actions the reporter is mandated or authorized to take, the legal  
56 protections afforded reporters, and the consequences for failing to

1 report. Each applicant shall provide the department with documentation  
2 showing that he or she has completed the required training.

3 S 6. Section 413 of the social services law is amended by adding a new  
4 subdivision 1-a to read as follows:

5 1-A. (A) EVERY PERSON AND OFFICIAL REQUIRED TO REPORT CHILD ABUSE OR  
6 MALTREATMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL, PRIOR  
7 TO ASSUMING THE POSITION WHICH REQUIRES SUCH REPORTING, AND EVERY THREE  
8 YEARS THEREAFTER, COMPLETE TWO HOURS OF COURSEWORK OR TRAINING REGARDING  
9 THE IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREATMENT;  
10 PROVIDED THAT EVERY PERSON AND OFFICIAL HOLDING SUCH A POSITION ON OR  
11 BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION, AND EVERY THREE YEARS  
12 THEREAFTER SHALL, COMPLETE SUCH COURSEWORK OR TRAINING WITHIN ONE YEAR  
13 OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

14 (B) EXCEPT AS OTHERWISE PROVIDED BY THE EDUCATION LAW, THE OFFICE OF  
15 CHILDREN AND FAMILY SERVICES SHALL APPROVE AND/OR ESTABLISH THE COURSE-  
16 WORK AND TRAINING REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVI-  
17 SION. SUCH COURSEWORK AND TRAINING SHALL BE DEVELOPED SO THAT IT CAN BE  
18 OFFERED THROUGH VARIOUS MEANS, INCLUDING BUT NOT LIMITED TO, INTERNET  
19 BASED COURSES AND TELECONFERENCES.

20 S 7. This act shall take effect one year after it shall have become a  
21 law; provided, however, that if chapter 554 of the laws of 2013 shall  
22 not have taken effect on or before such date then section two of this  
23 act shall take effect on the same date and in the same manner as such  
24 chapter of the laws of 2013 takes effect.