

5007--A

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- 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, 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-

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

LBD05817-02-4

1 ior, attitudes, and knowledge as well as self-reliance and problem solv-
2 ing capacity.

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

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

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

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

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

1 [5.] 7. School authorities shall provide the needed facilities, time,
2 and place for the instruction set forth herein and shall provide learn-
3 ing aids and curriculum resource materials which contribute to effective
4 teaching methods and learning in health education regarding alcohol,
5 tobacco, and other drugs.

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

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

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