

5359--A

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I N S E N A T E

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Introduced by Sens. FLANAGAN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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:

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

LBD11096-02-3

1 S 804. Health education [regarding alcohol, drugs, tobacco abuse and
2 the prevention and detection of certain cancers]. 1. All schools [shall]
3 ARE ENCOURAGED TO include, as an integral part of health education,
4 instruction [so as to discourage the misuse and abuse of alcohol, tobac-
5 co, and other drugs and promote attitudes and behavior that enhance
6 health, well being, and human dignity.] IN THE UNDERSTANDINGS, ATTITUDES
7 AND BEHAVIORS WITH REGARD TO THE SEVERAL DIMENSIONS OF HEALTH. THIS
8 INSTRUCTION SHALL RELATE TO ALCOHOL, TOBACCO AND OTHER DRUGS, SAFETY,
9 MENTAL HEALTH, NUTRITION, DENTAL HEALTH, SENSORY PERCEPTION, DISEASE
10 PREVENTION AND CONTROL, ENVIRONMENTAL AND PUBLIC HEALTH, CONSUMER
11 HEALTH, FIRST AID, AND OTHER HEALTH-RELATED AREAS. SUCH HEALTH EDUCATION
12 SHALL BE ADMINISTERED AND ASSESSED WITH THE GOALS OF PROVIDING STUDENTS
13 WITH THE NECESSARY KNOWLEDGE AND SKILLS TO: ESTABLISH AND MAINTAIN PHYS-
14 ICAL FITNESS, PARTICIPATE IN PHYSICAL ACTIVITY; AND MAINTAIN PERSONAL
15 HEALTH; ACQUIRE THE KNOWLEDGE AND ABILITY NECESSARY TO CREATE AND MAIN-
16 TAIN A SAFE AND HEALTHY ENVIRONMENT; UNDERSTAND AND MANAGE PERSONAL AND
17 COMMUNITY RESOURCES TO SUSTAIN OVERALL HEALTH.

18 1-A. SUCH HEALTH EDUCATION SHALL BE PROVIDED IN AN AGE-APPROPRIATE
19 MANNER BY THE REGULAR CLASSROOM TEACHER, OR BY A TEACHER CERTIFIED TO
20 TEACH HEALTH EDUCATION.

21 1-B. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO FULFILL THE
22 REQUIREMENTS OF THIS SECTION AND TO ENSURE THAT STUDENTS ARE PROPERLY
23 INSTRUCTED IN THESE AREAS VITAL TO ENSURING CONTINUING DEVELOPMENT OF
24 HEALTH SKILLS AND PROVIDING ACCESS TO AVAILABLE RESOURCES FOR PROMOTING
25 HEALTHY LIVING.

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

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

50 3-a. Instruction regarding methods of prevention and detection of
51 certain cancers, including but not limited to breast cancer, skin
52 cancer, testicular cancer and other cancers where certain preventive
53 measures have become generally accepted and certain detection methods
54 have been adopted and recommended generally to the public. Such instruc-
55 tion shall be an integral part of a required health education course at
56 the senior high school level, in addition to continued health guidance

1 in senior high schools. Any such course shall be taught by teachers
2 holding a certificate to teach health.

3 4. a. [The commissioner may prescribe in regulations such health
4 education courses which include instruction regarding alcohol, tobacco,
5 and other drugs as the commissioner may deem necessary and desirable for
6 the welfare of pupils and the community] THE COMMISSIONER SHALL PROMUL-
7 GATE REGULATIONS TO FULFILL THE REQUIREMENTS OF THIS SECTION AND TO
8 ENSURE THAT STUDENTS ARE PROPERLY INSTRUCTED IN THESE AREAS VITAL TO
9 CONTINUING DEVELOPMENT OF HEALTH SKILLS AND PROVIDING ACCESS TO AVAIL-
10 ABLE RESOURCES FOR PROMOTING HEALTHY LIVING, INCLUDING BUT NOT LIMITED
11 TO INSTRUCTION ON THE IMPORTANCE OF SEEKING COUNSELING TO ADDRESS MENTAL
12 HEALTH ISSUES THAT ARE IMPACTING A STUDENT'S ABILITY TO LEARN. The
13 contents may be varied to meet the needs of particular school districts,
14 or portions thereof, and need not be uniform throughout the state,
15 provided, however, that school districts shall utilize either the
16 curriculum for health education instruction [regarding alcohol, tobacco
17 and other drugs] prescribed by the commissioner or a course approved by
18 the commissioner in accordance with criteria established by the commis-
19 sioner.

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

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

40 5. School authorities shall provide the needed facilities, time, and
41 place for the instruction set forth herein and shall provide learning
42 aids and curriculum resource materials which contribute to effective
43 teaching methods and learning in health education [regarding alcohol,
44 tobacco, and other drugs].

45 6. All pre-service training programs in the state for elementary
46 teachers shall include adequate preparation regarding the instruction in
47 alcohol, tobacco, and other drugs set forth herein, and no teacher shall
48 be licensed except upon satisfactory demonstration of the competencies
49 included in the institutional proposals approved by the education
50 department.

51 7. Nothing contained in this section shall be deemed to diminish or
52 impair the duties of the commissioner with respect to the continuing
53 program for critical health problems established by chapter seven
54 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
55 amended. The commissioner shall coordinate actions taken under authority
56 of this section with the provisions of said chapter as they relate to

1 health education in schools, inservice training and training programs,
2 and curriculum or syllabus development [regarding the deleterious
3 effects resulting from the use, misuse, and abuse of alcohol, tobacco,
4 and other drugs].

5 S 3. This act shall take effect immediately, provided that any rules
6 or regulations necessary for the implementation of this act shall be
7 promulgated and take effect 180 days after its enactment.