

3887

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 28, 2015

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Introduced by M. of A. NOLAN, CUSICK -- read once and referred to the  
Committee on Education

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 ASSEM-  
BLY, 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, subdivision 4 as amended by chapter 181  
5     of the laws of 2000 and paragraph a of subdivision 4 as amended by chap-  
6     ter 39 of the laws of 2014, is amended to read as follows:  
7     S 804. Health education regarding MENTAL HEALTH, alcohol, drugs,  
8     tobacco abuse and the prevention and detection of certain cancers. 1.  
9     ALL SCHOOLS UNDER THE JURISDICTION OF THE DEPARTMENT SHALL ENSURE THAT  
10    THEIR HEALTH EDUCATION PROGRAMS RECOGNIZE THE MULTIPLE DIMENSIONS OF  
11    HEALTH BY INCLUDING MENTAL HEALTH AND THE RELATION OF PHYSICAL AND  
12    MENTAL HEALTH SO AS TO ENHANCE STUDENT UNDERSTANDING, ATTITUDES AND  
13    BEHAVIORS THAT PROMOTE HEALTH, WELL-BEING AND HUMAN DIGNITY.  
14    2. All schools shall include, as an integral part of health education,  
15    instruction so as to discourage the misuse and abuse of alcohol, tobac-  
16    co[,] and other drugs and promote attitudes and behavior that enhance  
17    health, well being, and human dignity.  
18    [2.] 3. Instruction regarding alcohol, tobacco, and other drugs shall  
19    be included in the health education provided for all elementary school  
20    pupils and shall be taught by the regular classroom teachers or by  
21    teachers certified to teach health education. Such instruction shall be  
22    designed according to the needs and abilities of the pupils at succes-  
23    sive grade levels with the purpose of developing desirable health behav-  
24    ior, attitudes, and knowledge as well as self-reliance and problem solv-  
25    ing capacity.

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

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1 [3.] 4. Instruction regarding alcohol, tobacco, and other drugs, in  
2 addition to continued health guidance in the junior high school grades  
3 and the senior high schools, shall be an integral part of a required  
4 health education course at each of these levels in the secondary schools  
5 curriculum. Students shall be required to demonstrate knowledge in the  
6 subject area through the use of a test, graded project or report, or any  
7 other means prescribed by the school authorities regarding alcohol,  
8 drugs, and tobacco. Any such course shall be taught by teachers holding  
9 a certificate to teach health. Related courses in the secondary school  
10 curriculum shall be taught in a manner supportive of health education  
11 regarding alcohol, tobacco, and other drugs. In addition, instruction  
12 regarding the dangers of driving while under the influence of alcohol or  
13 drugs shall be an integral part of a required health education course in  
14 the senior high schools. Such instruction shall be provided in all  
15 senior high schools whether or not these schools also provide driver  
16 education courses.

17 [3-a.] 5. Instruction regarding methods of prevention and detection of  
18 certain cancers, including but not limited to breast cancer, skin  
19 cancer, testicular cancer and other cancers where certain preventive  
20 measures have become generally accepted and certain detection methods  
21 have been adopted and recommended generally to the public. Such instruc-  
22 tion shall be an integral part of a required health education course at  
23 the senior high school level, in addition to continued health guidance  
24 in senior high schools. Any such course shall be taught by teachers  
25 holding a certificate to teach health.

26 [4.] 6. a. The commissioner may prescribe in regulations such health  
27 education courses which include instruction regarding alcohol, tobacco,  
28 and other drugs as the commissioner may deem necessary and desirable for  
29 the welfare of pupils and the community. The contents may be varied to  
30 meet the needs of particular school districts, or portions thereof, and  
31 need not be uniform throughout the state, provided, however, that school  
32 districts shall utilize either the curriculum for health education  
33 instruction regarding alcohol, tobacco and other drugs prescribed by the  
34 commissioner or a course approved by the commissioner in accordance with  
35 criteria established by the commissioner. The commissioner is authorized  
36 to make recommendations to the board of regents beginning December  
37 first, two thousand fourteen and every three years thereafter relating  
38 to the modernization of such instruction required pursuant to subdivi-  
39 sion one of this section, to include the most up to date age appropriate  
40 information available regarding the misuse and abuse of alcohol, tobacco  
41 and other drugs, including but not limited to heroin and opioids. Such  
42 instruction shall include, but not be limited to, information regarding  
43 drugs and other substances that are more prevalent among school aged  
44 youth. Such recommendations shall be the result of a collaboration  
45 between the department, the office of alcoholism and substance abuse  
46 services and the department of health. If the board of regents adopts  
47 such curriculum, the curriculum requirement shall take effect no later  
48 than the next school year after such curriculum has been adopted.

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

55 c. The regents shall review the health curriculum requirements in  
56 existence on the effective date of this paragraph for the purpose of

1 streamlining such curriculum and identifying any outdated components  
2 that may be eliminated or consolidated in order to ensure that students  
3 have sufficient time and instruction to develop skills to address issues  
4 of violence prevention and mental health. To the extent appropriate, the  
5 regents shall modify the existing curriculum to provide greater focus on  
6 the development of skills, by no later than middle school, that are  
7 needed to recognize, cope with and address potentially violent inci-  
8 dents[,] including an understanding of [student's] STUDENT roles in  
9 emergency situations[, what to do when confronted with another student  
10 who is experiencing a mental health problem,] and other related skills  
11 designed to reduce the threat of violence in schools.

12 [5.] 7. School authorities shall provide the needed facilities, time,  
13 and place for the instruction set forth herein and shall provide learn-  
14 ing aids and curriculum resource materials which contribute to effective  
15 teaching methods and learning in health education regarding alcohol,  
16 tobacco, and other drugs.

17 [6.] 8. All pre-service training programs in the state for elementary  
18 teachers shall include adequate preparation regarding the instruction in  
19 alcohol, tobacco, and other drugs set forth herein, and no teacher shall  
20 be licensed except upon satisfactory demonstration of the competencies  
21 included in the institutional proposals approved by the [education]  
22 department.

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

33 S 2. This act shall take effect July 1, 2015.