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

2585

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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:

Section 1. Legislative intent. The legislature recognizes the importance of providing a quality education to all New York students. Quality education must continue to include comprehensive health education. While schools presently provide instruction in health education, the legislature finds it important that the law provide the flexibility to reflect current learning standards and curriculum development as administered by the New York State Education Department and local school districts. Furthermore, it is important that statute recognize developing technology and existing curriculum materials to ensure that schools and teachers are provided with the most beneficial health education information, and that both health and mental health are taught with the idea of prevention, cure and control and without stigma or emotional harm. The law should provide flexibility to allow the commissioner of education to respond to the changing needs of the educational community to provide students with the tools and resources to live healthy lives, as it will only serve to improve educational performance and student outcomes.

S 2. Section 804 of the education law, as added by chapter 982 of the laws of 1977, the section heading as amended and subdivision 3-a as added by chapter 401 of the laws of 1998, subdivision 3 as amended by chapter 674 of the laws of 2004, subdivision 4 as amended by chapter 181 of the laws of 2000, and paragraph a of subdivision 4 as amended by chapter 39 of the laws of 2014, is amended to read as follows:

S 804. Health education [regarding alcohol, drugs, tobacco abuse and the prevention and detection of certain cancers]. 1. All schools [shall] ARE ENCOURAGED TO include, as an integral part of health education,

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

instruction [so as to discourage the misuse and abuse of alcohol, tobacco, and other drugs and promote attitudes and behavior that enhance health, well being, and human dignity.] IN THE UNDERSTANDINGS, ATTITUDES AND BEHAVIORS WITH REGARD TO THE SEVERAL DIMENSIONS OF HEALTH. THIS INSTRUCTION SHALL RELATE TO ALCOHOL, TOBACCO AND OTHER DRUGS, SAFETY, MENTAL HEALTH, NUTRITION, DENTAL HEALTH, SENSORY PERCEPTION, DISEASE PREVENTION AND CONTROL, ENVIRONMENTAL AND PUBLIC HEALTH, CONSUMER HEALTH, FIRST AID, AND OTHER HEALTH-RELATED AREAS. SUCH HEALTH EDUCATION SHALL BE ADMINISTERED AND ASSESSED WITH THE GOALS OF PROVIDING STUDENTS WITH THE NECESSARY KNOWLEDGE AND SKILLS TO: ESTABLISH AND MAINTAIN PHYSICAL FITNESS, PARTICIPATE IN PHYSICAL ACTIVITY; AND MAINTAIN PERSONAL HEALTH; ACQUIRE THE KNOWLEDGE AND ABILITY NECESSARY TO CREATE AND MAINTAIN A SAFE AND HEALTHY ENVIRONMENT; UNDERSTAND AND MANAGE PERSONAL AND COMMUNITY RESOURCES TO SUSTAIN OVERALL HEALTH.

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

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

2. Instruction regarding alcohol, tobacco, and other drugs shall be included in the health education provided for all elementary school pupils and shall be taught by the regular classroom teachers or by teachers certified to teach health education. Such instruction shall be designed according to the needs and abilities of the pupils at successive grade levels with the purpose of developing desirable health behavior, attitudes, and knowledge as well as self-reliance and problem solving capacity.

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

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

4. a. [The commissioner may prescribe in regulations such health education courses which include instruction regarding alcohol, tobacco, and other drugs as the commissioner may deem necessary and desirable for the welfare of pupils and the community] THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO FULFILL THE REQUIREMENTS OF THIS SECTION AND TO ENSURE THAT STUDENTS ARE PROPERLY INSTRUCTED IN THESE AREAS VITAL TO CONTINUING DEVELOPMENT OF HEALTH SKILLS AND PROVIDING ACCESS TO AVAILABLE RESOURCES FOR PROMOTING HEALTHY LIVING, INCLUDING BUT NOT LIMITED TO INSTRUCTION ON THE IMPORTANCE OF SEEKING COUNSELING TO ADDRESS MENTAL HEALTH ISSUES THAT ARE IMPACTING A STUDENT'S ABILITY TO LEARN. The contents may be varied to meet the needs of particular school districts, or portions thereof, and need not be uniform throughout the state, provided, however, that school districts shall utilize either the curriculum for health education instruction [regarding alcohol, tobacco and other drugs] prescribed by the commissioner or a course approved by the commissioner in accordance with criteria established by the commissioner. The commissioner is authorized to make recommendations to the board of regents beginning December first, two thousand fourteen and every three years thereafter relating to the modernization of such instruction required pursuant to subdivision one of this section, to include the most up to date age appropriate information available regarding the misuse and abuse of alcohol, tobacco and other drugs, including but not limited to heroin and opioids. Such instruction shall include, but not be limited to, information regarding drugs and other substances that are more prevalent among school aged youth. Such recommendations shall be the result of a collaboration between the department, the office of alcoholism and substance abuse services and the department of health. If the board of regents adopts such curriculum, the curriculum requirement shall take effect no later than the next school year after such curriculum has been adopted.

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

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

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

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

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

S 3. This act shall take effect immediately, provided that the commissioner of education may promulgate any rules or regulations necessary for the implementation of this act.