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:

Section 1. 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:


2. All schools shall include, as an integral part of health education, 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.

[2.] 3. 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 succes-
sive grade levels with the purpose of developing desirable health behav-
ior, attitudes, and knowledge as well as self-reliance and problem solv-
ing capacity.

[3.] 4. 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.] 5. 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 instruc-
tion 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.] 6. 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 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
the modernization of such instruction required pursuant to subdivi-
sion 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, vide-
otapes 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 inci-
dents[,] including an understanding of [student's] STUDENT 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.

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

[6.] 8. 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.] 9. 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 2. This act shall take effect July 1, 2018.