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

7674

I N S E N A T E

May 12, 2016

Introduced by Sen. KENNEDY -- 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 instruction on drug prevention, particularly opioids

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 305 of the education law is amended by adding two new subdivisions 55 and 56 to read as follows:

55. A. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE BOARD OF REGENTS RELATING TO THE ADOPTION OF INSTRUCTION IN ELEMENTARY SCHOOLS CONCERNING DRUG PREVENTION, PARTICULARLY OPIOIDS SUCH AS HEROIN, EFFECTS OF DRUG USE, AND ADDICTION TREATMENT SERVICES.

B. IN PROVIDING THESE RECOMMENDATIONS TO THE BOARD OF REGENTS, THE COMMISSIONER SHALL:

(I) SEEK THE RECOMMENDATIONS OF TEACHERS, SCHOOL ADMINISTRATORS, TEACHER EDUCATORS, SCHOOL PSYCHOLOGISTS, SCHOOL SOCIAL WORKERS AND OTHERS WITH EDUCATIONAL EXPERTISE IN THE PROPOSED CURRICULUM;

(II) SEEK COMMENT FROM PARENTS, STUDENTS AND OTHER INTERESTED PARTIES;

(III) SEEK COMMENT FROM THE STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES;

(IV) SEEK COMMENT FROM PROVIDERS OF THESE SERVICES, PARTICULARLY THOSE WHO PROVIDE SERVICES FOR ADOLESCENTS;

(V) CONSIDER THE FISCAL IMPACT, IF ANY, ON THE STATE AND SCHOOL DISTRICTS;

(VI) CONSIDER THE RELEVANCE OF EXISTING REGULATIONS PERTAINING TO DRUG USE AS PART OF THE SCHOOL HEALTH CURRICULUM AS IT RELATES TO THE CURRENT INSTRUCTION OF ALCOHOL, DRUGS AND TOBACCO AND THAT RELATIONSHIP TO THE UNDERSTANDING OF MENTAL HEALTH AS AN INTEGRAL PART OF HEALTH; AND

(VII) CONSIDER ANY ADDITIONAL FACTORS THE COMMISSIONER DEEMS RELEVANT.

C. NO LATER THAN SIXTY DAYS BEFORE THE FOLLOWING SCHOOL YEAR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE A RECOMMENDATION TO THE BOARD OF REGENTS TO EITHER ADOPT AND PROMULGATE APPROPRIATE RULES AND REGULATIONS IMPLEMENTING SUCH CURRICULUM OR REJECT THE IMPLEMENTATION OF SUCH CURRICULUM. UPON RECEIVING A RECOMMENDATION

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

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FROM THE COMMISSIONER, PURSUANT TO THIS SUBDIVISION, THE BOARD OF REGENTS SHALL VOTE TO EITHER ACCEPT OR REJECT THE COMMISSIONER'S RECOMMENDATION NO LATER THAN THIRTY DAYS AFTER RECEIVING SUCH RECOMMENDATION.

D. 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.

E. IF THE BOARD OF REGENTS REJECTS SUCH CURRICULUM, THE COMMISSIONER SHALL PROVIDE A REPORT AS TO THE DETERMINATION OF THE BOARD TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION PROVIDING THE REASONS FOR SUCH REJECTION NOT LATER THAN THIRTY DAYS AFTER THE BOARD OF REGENTS REJECTS SUCH CURRICULUM.

56. THE COMMISSIONER SHALL ON A BIENNIAL BASIS PROVIDE SCHOOL DISTRICTS WITH EDUCATIONAL INFORMATION RELATING TO CURRENT DRUG ABUSE ISSUES IN ORDER TO ENSURE INSTRUCTION PROVIDED PURSUANT TO SUBDIVISION THREE OF SECTION EIGHT HUNDRED FOUR OF THIS CHAPTER IS RELEVANT AND CURRENT.

S 2. This act shall take effect immediately.