

3887--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. NOLAN, CUSICK, SKOUFIS -- Multi-Sponsored by --
M. of A. THIELE -- read once and referred to the Committee on Educa-
tion -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee -- recommitted to the
Committee on Education in accordance with Assembly Rule 3, sec. 2 --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

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

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

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1 teachers certified to teach health education. Such instruction shall be
2 designed according to the needs and abilities of the pupils at succes-
3 sive grade levels with the purpose of developing desirable health behav-
4 ior, attitudes, and knowledge as well as self-reliance and problem solv-
5 ing capacity.

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

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

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

54 b. The commissioner shall make available an interpersonal violence
55 prevention education package for grades kindergarten through twelve,
56 which package may consist of student pamphlets, parent pamphlets, vide-

1 otapes and other informative materials to be distributed to school
2 districts, and shall encourage the use of such material as part of the
3 health or other related curricula or programs.

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

17 [5.] 7. School authorities shall provide the needed facilities, time,
18 and place for the instruction set forth herein and shall provide learn-
19 ing aids and curriculum resource materials which contribute to effective
20 teaching methods and learning in health education regarding alcohol,
21 tobacco, and other drugs.

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

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

38 S 2. This act shall take effect July 1, 2018.