

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:

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

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

23 S 804. Health education [regarding alcohol, drugs, tobacco abuse and
24 the prevention and detection of certain cancers]. 1. All schools [shall]
25 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.

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

15 1-A. SUCH HEALTH EDUCATION SHALL BE PROVIDED IN AN AGE-APPROPRIATE
16 MANNER BY THE REGULAR CLASSROOM TEACHER, OR BY A TEACHER CERTIFIED TO
17 TEACH HEALTH EDUCATION.

18 1-B. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO FULFILL THE
19 REQUIREMENTS OF THIS SECTION AND TO ENSURE THAT STUDENTS ARE PROPERLY
20 INSTRUCTED IN THESE AREAS VITAL TO ENSURING CONTINUING DEVELOPMENT OF
21 HEALTH SKILLS AND PROVIDING ACCESS TO AVAILABLE RESOURCES FOR PROMOTING
22 HEALTHY LIVING.

23 2. Instruction regarding alcohol, tobacco, and other drugs shall be
24 included in the health education provided for all elementary school
25 pupils and shall be taught by the regular classroom teachers or by
26 teachers certified to teach health education. Such instruction shall be
27 designed according to the needs and abilities of the pupils at succes-
28 sive grade levels with the purpose of developing desirable health behav-
29 ior, attitudes, and knowledge as well as self-reliance and problem solv-
30 ing capacity.

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

47 3-a. Instruction regarding methods of prevention and detection of
48 certain cancers, including but not limited to breast cancer, skin
49 cancer, testicular cancer and other cancers where certain preventive
50 measures have become generally accepted and certain detection methods
51 have been adopted and recommended generally to the public. Such instruc-
52 tion shall be an integral part of a required health education course at
53 the senior high school level, in addition to continued health guidance
54 in senior high schools. Any such course shall be taught by teachers
55 holding a certificate to teach health.

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

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

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

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

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

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

17 S 3. This act shall take effect immediately, provided that the commis-
18 sioner of education may promulgate any rules or regulations necessary
19 for the implementation of this act.