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

5047

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

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

AN ACT to amend the education law and the social services law, in relation to coursework or training regarding the identification and reporting of child abuse and maltreatment

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

Section 1. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, AND EVERY THREE YEARS THEREAFTER, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of

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

LBD01720-01-5

the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with [mental retardation and other] developmental disabilities and voluntary reporting of abused or neglected adults to the office [of mental retardation and] FOR PEOPLE WITH developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

S 2. Subdivision 4 of section 3003 of the education law, as amended by chapter 737 of the laws of 1992, is amended to read as follows:

4. Notwithstanding any other provision of law, the commissioner shall require that any person applying, on or after January first, nineteen hundred ninety-one, for a superintendent's certificate shall, in addition to all the other requirements, AND EVERY THREE YEARS THEREAFTER, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 3. Subdivision 2 of section 3004 of the education law, as amended by chapter 737 of the laws of 1992, is amended to read as follows:

2. Notwithstanding any other provision of law, the commissioner shall prescribe regulations requiring that all persons applying, on or after January first, nineteen hundred ninety-one, for a certificate or license to be a teacher shall, in addition to all the other certification or licensure requirements, AND EVERY THREE YEARS THEREAFTER, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 4. The closing paragraph of section 3007 of the education law, as amended by chapter 544 of the laws of 1988, is amended to read as follows:

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of the diploma of a state teachers college or state college for teachers or state certificate issued in this state. Notwithstanding any other provision of law, the commissioner shall require that any person seeking endorsement of a foreign certificate or diploma, on or after January first, nineteen hundred ninety-one, AND EVERY THREE YEARS THEREAFTER, shall have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such course work or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 5. Section 413 of the social services law is amended by adding a new subdivision 1-a to read as follows:

1-A. (A) EVERY PERSON AND OFFICIAL REQUIRED TO REPORT CHILD ABUSE OR MALTREATMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL, PRIOR TO ASSUMING THE POSITION WHICH REQUIRES SUCH REPORTING, AND EVERY THREE YEARS THEREAFTER, COMPLETE TWO HOURS OF COURSEWORK OR TRAINING REGARDING THE IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREATMENT; PROVIDED THAT EVERY PERSON AND OFFICIAL HOLDING SUCH A POSITION ON OR BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION, AND EVERY THREE YEARS THEREAFTER SHALL, COMPLETE SUCH COURSEWORK OR TRAINING WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

(B) EXCEPT AS OTHERWISE PROVIDED BY THE EDUCATION LAW, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL APPROVE AND/OR ESTABLISH THE COURSEWORK AND TRAINING REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION. SUCH COURSEWORK AND TRAINING SHALL BE DEVELOPED SO THAT IT CAN BE OFFERED THROUGH VARIOUS MEANS, INCLUDING BUT NOT LIMITED TO, INTERNET BASED COURSES AND TELECONFERENCES.

S 6. This act shall take effect one year after it shall have become a law.