

5047

2015-2016 Regular Sessions

I N   S E N A T E

April 29, 2015

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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:

1     Section 1. Paragraph a of subdivision 3 of section 6507 of the educa-  
2     tion law, as amended by chapter 554 of the laws of 2013, is amended to  
3     read as follows:  
4     a. Establish standards for preprofessional and professional education,  
5     experience and licensing examinations as required to implement the arti-  
6     cle for each profession. Notwithstanding any other provision of law, the  
7     commissioner shall establish standards requiring that all persons apply-  
8     ing, on or after January first, nineteen hundred ninety-one, initially,  
9     or for the renewal of, a license, registration or limited permit to be a  
10    physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
11    trist, psychiatrist, psychologist, licensed master social worker,  
12    licensed clinical social worker, licensed creative arts therapist,  
13    licensed marriage and family therapist, licensed mental health counse-  
14    lor, licensed psychoanalyst, dental hygienist, licensed behavior  
15    analyst, or certified behavior analyst assistant shall, in addition to  
16    all the other licensure, certification or permit requirements, AND EVERY  
17    THREE YEARS THEREAFTER, have completed two hours of coursework or train-  
18    ing regarding the identification and reporting of child abuse and  
19    maltreatment. The coursework or training shall be obtained from an  
20    institution or provider which has been approved by the department to  
21    provide such coursework or training. The coursework or training shall  
22    include information regarding the physical and behavioral indicators of  
23    child abuse and maltreatment and the statutory reporting requirements  
24    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

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

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

19 4. Notwithstanding any other provision of law, the commissioner shall  
20 require that any person applying, on or after January first, nineteen  
21 hundred ninety-one, for a superintendent's certificate shall, in addi-  
22 tion to all the other requirements, AND EVERY THREE YEARS THEREAFTER,  
23 have completed two hours of coursework or training regarding the iden-  
24 tification and reporting of child abuse and maltreatment. The coursework  
25 or training shall be obtained from an institution or provider which has  
26 been approved by the department to provide such coursework or training.  
27 The coursework or training shall include information regarding the phys-  
28 ical and behavioral indicators of child abuse and maltreatment and the  
29 statutory reporting requirements set out in sections four hundred thir-  
30 teen through four hundred twenty of the social services law, including  
31 but not limited to, when and how a report must be made, what other  
32 actions the reporter is mandated or authorized to take, the legal  
33 protections afforded reporters, and the consequences for failing to  
34 report. Each applicant shall provide the department with documentation  
35 showing that he or she has completed the required training.

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

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

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

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

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

26 1-A. (A) EVERY PERSON AND OFFICIAL REQUIRED TO REPORT CHILD ABUSE OR  
27 MALTREATMENT, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL, PRIOR  
28 TO ASSUMING THE POSITION WHICH REQUIRES SUCH REPORTING, AND EVERY THREE  
29 YEARS THEREAFTER, COMPLETE TWO HOURS OF COURSEWORK OR TRAINING REGARDING  
30 THE IDENTIFICATION AND REPORTING OF CHILD ABUSE AND MALTREATMENT;  
31 PROVIDED THAT EVERY PERSON AND OFFICIAL HOLDING SUCH A POSITION ON OR  
32 BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION, AND EVERY THREE YEARS  
33 THEREAFTER SHALL, COMPLETE SUCH COURSEWORK OR TRAINING WITHIN ONE YEAR  
34 OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

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

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