

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:

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.

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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.