

6508

I N S E N A T E

January 21, 2016

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

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

20 S 804. Health education [regarding alcohol, drugs, tobacco abuse and
21 the prevention and detection of certain cancers]. 1. All schools [shall]
22 ARE ENCOURAGED TO include, as an integral part of health education,
23 instruction [so as to discourage the misuse and abuse of alcohol, tobacco,
24 and other drugs and promote attitudes and behavior that enhance
25 health, well being, and human dignity.] IN THE UNDERSTANDINGS, ATTITUDES
26 and

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

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1 AND BEHAVIORS WITH REGARD TO THE SEVERAL DIMENSIONS OF HEALTH. THIS
2 INSTRUCTION SHALL RELATE TO ALCOHOL, TOBACCO AND OTHER DRUGS, SAFETY,
3 MENTAL HEALTH, NUTRITION, DENTAL HEALTH, SENSORY PERCEPTION, DISEASE
4 PREVENTION AND CONTROL, ENVIRONMENTAL AND PUBLIC HEALTH, CONSUMER
5 HEALTH, FIRST AID, AND OTHER HEALTH-RELATED AREAS. SUCH HEALTH EDUCATION
6 SHALL BE ADMINISTERED AND ASSESSED WITH THE GOALS OF PROVIDING STUDENTS
7 WITH THE NECESSARY KNOWLEDGE AND SKILLS TO: ESTABLISH AND MAINTAIN PHYS-
8 ICAL FITNESS, PARTICIPATE IN PHYSICAL ACTIVITY; AND MAINTAIN PERSONAL
9 HEALTH; ACQUIRE THE KNOWLEDGE AND ABILITY NECESSARY TO CREATE AND MAIN-
10 TAIN A SAFE AND HEALTHY ENVIRONMENT; UNDERSTAND AND MANAGE PERSONAL AND
11 COMMUNITY RESOURCES TO SUSTAIN OVERALL HEALTH.

12 1-A. SUCH HEALTH EDUCATION SHALL BE PROVIDED IN AN AGE-APPROPRIATE
13 MANNER BY THE REGULAR CLASSROOM TEACHER, OR BY A TEACHER CERTIFIED TO
14 TEACH HEALTH EDUCATION.

15 1-B. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO FULFILL THE
16 REQUIREMENTS OF THIS SECTION AND TO ENSURE THAT STUDENTS ARE PROPERLY
17 INSTRUCTED IN THESE AREAS VITAL TO ENSURING CONTINUING DEVELOPMENT OF
18 HEALTH SKILLS AND PROVIDING ACCESS TO AVAILABLE RESOURCES FOR PROMOTING
19 HEALTHY LIVING.

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

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

44 3-a. Instruction regarding methods of prevention and detection of
45 certain cancers, including but not limited to breast cancer, skin
46 cancer, testicular cancer and other cancers where certain preventive
47 measures have become generally accepted and certain detection methods
48 have been adopted and recommended generally to the public. Such instruc-
49 tion shall be an integral part of a required health education course at
50 the senior high school level, in addition to continued health guidance
51 in senior high schools. Any such course shall be taught by teachers
52 holding a certificate to teach health.

53 4. a. [The commissioner may prescribe in regulations such health
54 education courses which include instruction regarding alcohol, tobacco,
55 and other drugs as the commissioner may deem necessary and desirable for
56 the welfare of pupils and the community] THE COMMISSIONER SHALL PROMUL-

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

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

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

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

52 6. All pre-service training programs in the state for elementary
53 teachers shall include adequate preparation regarding the instruction in
54 alcohol, tobacco, and other drugs set forth herein, and no teacher shall
55 be licensed except upon satisfactory demonstration of the competencies

1 included in the institutional proposals approved by the education
2 department.
3 7. Nothing contained in this section shall be deemed to diminish or
4 impair the duties of the commissioner with respect to the continuing
5 program for critical health problems established by chapter seven
6 hundred eighty-seven of the laws of nineteen hundred sixty-seven as
7 amended. The commissioner shall coordinate actions taken under authority
8 of this section with the provisions of said chapter as they relate to
9 health education in schools, inservice training and training programs,
10 and curriculum or syllabus development [regarding the deleterious
11 effects resulting from the use, misuse, and abuse of alcohol, tobacco,
12 and other drugs].
13 S 3. This act shall take effect immediately, provided that the commis-
14 sioner of education may promulgate any rules or regulations necessary
15 for the implementation of this act.