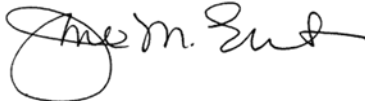






**TO:** P-12 Education Committee

**FROM:** Jhone M. Ebert 

**SUBJECT:** Proposed Amendment to Sections 135.1 and 135.3 of the Commissioner's Regulations Relating to Health Education

**DATE:** January 11, 2018

**AUTHORIZATION(S):**  

## SUMMARY

### Issue for Discussion

Should the Board of Regents amend §135.1 and §135.3 of the Commissioner's regulations relating to health education?

### Reason(s) for Consideration

Required by statute (Chapter 390 of the Laws of 2016 and Chapter 1 of the Laws of 2017).

### Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for discussion at the January 2018 Regents meeting. A copy of the proposed amendment is attached.

### Procedural History

A Notice of Proposed Rule Making will be published in the State Register on February 7, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents.

### Background Information

Education Law §804 was amended by Chapter 390 of the Laws of 2016 and Chapter 1 of the Laws of 2017 to clarify that required health education in schools must include instruction in mental health. The statutory amendments further provide that such

instruction shall be designed to enhance student understanding, attitudes and behaviors that promote health, well-being and human dignity. The proposed amendments to Commissioner's regulations §135.1 and §135.3 contain conforming amendments to comply with the statute and update the regulations to require instruction on the prevention and detection of certain cancers to comply with Education Law §804.

In addition, the Department has also established the New York State Mental Health Education Advisory Council to share their expertise and resources to build capacity in the arena of mental health education and wellness for our youth and to provide resources to schools. The Mental Health Education Advisory Council involves over 70 expert cross-disciplinary and cross-sector partners (see Attachment B for a list of Advisory Council members).

The Mental Health Education Advisory Council, in partnership with the Mental Health Association in New York State, Inc. (MHANYS) and the New York State Office of Mental Health is charged with developing a list of recommendations; an instructional guidance document; and evidence-based resources to successfully enhance health education in schools, specifically in the areas of mental health. Some of the dedicated partners involved with the Mental Health Education Advisory Council include, but are not limited to, the NYS Office of Mental Health, the NYS Department of Health, the NYS Office of Alcoholism and Substance Abuse Services, the NYS School Boards Association; the NYS Council of School Superintendents; representatives from Boards of Cooperative Educational Services, the NYS School Counselor Association, the New York Association of School Psychologists, the NYS School Social Workers Association, the NYS Association of School Nurses, the NYS Families Together in NYS, Youth Power!, and the New York State Association for Health, Physical Education, Recreation and Dance, among others.

The Mental Health Education Advisory Council anticipates issuing a memo in the late spring which will include recommendations for additional improvements to the health education program regulations, as well as guidance and resources to the field in support of incorporating mental health into the health education curriculum.

### **Next Steps/Timetable for Implementation**

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the May 2018 Regents meeting. If adopted at the May meeting, the proposed amendment will become effective on July 1, 2018 to timely implement the provisions of Chapter 390 of the Laws of 2016 and Chapter 1 of the Laws of 2017.

## Attachment A

### AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 308, 804, Chapter 401 of the Laws of 1998, Chapter 390 of the Laws of 2016, and Chapter 1 of the laws of 2017.

1. Subdivision (j) of section 135.1 of the Regulations of the Commissioner of Education is amended, to read as follows:

(j) *Health education* means instruction in the understandings, attitudes and behavior in [regard] relation to the several dimensions of health, including but not limited to [. This instruction relates to] the misuse of alcohol, tobacco and other drugs, the prevention and detection of certain cancers, safety, mental health, nutrition, dental health, sensory awareness [perception], disease prevention and control, environmental and public health, consumer health, first aid, and other health-related areas.

2. Subdivision (a) of section 135.3 of the Regulations of the Commissioner of Education is amended, to read as follows:

(a) Provision for health education. It shall be the duty of the trustees and boards of education to provide a satisfactory program in health education in accordance with the needs of pupils in all grades. Such program shall include the several dimensions of health, including mental health and the relation of physical and mental health, and shall be designed to enhance student understanding, attitudes and behaviors that promote health, well-being and human dignity. This program shall include, but shall not be limited to, instruction concerning the misuse of alcohol, tobacco and other drugs, and the prevention and detection of certain cancers.

3. Paragraph (1) of subdivision (b) of section 135.3 of the Regulations of the Commissioner of Education is amended, to read as follows:

(b) Health education in the elementary schools.

(1) The elementary school curriculum shall include a sequential health education program for all pupils, grades K-6. In the kindergarten and primary grades, the teacher shall provide for pupil participation in planned activities for developing attitudes, knowledge and behavior that contribute to their own sense of self-worth, respect for their bodies and ability to make constructive decisions regarding their social and emotional health, [as well as] physical [,] health, and mental health. Personal health guidance shall also be provided according to the individual needs of pupils. This guidance shall include the development of specific habits necessary to maintain good individual and community health. In addition to continued health guidance, provisions shall be made in the school program of grades 4-6 for planned units of teaching which shall include health instruction through which pupils may become increasingly self-reliant in solving their own health problems and those of the group. Health education in the elementary school grades shall be taught by the regular classroom teachers.

**NEW YORK STATE MENTAL HEALTH EDUCATION ADVISORY COUNCIL  
JANUARY 2018**

<b>NAME</b>	<b>ORGANIZATION</b>
Adams, Heather Health Teachers Section: Assistant in Research & Educational Services	New York State United Teachers
Adman, Gail Director of School Nursing	New York City Department of Education (NYCDOE)
Andriola, Tom Chief of Policy Implementation	New York State Division of Criminal Justice Services
Armbruster, Lindsay Health Teacher	Burnt Hills, Ballston Lake CSD (New York State Association for Health, Physical Education, Recreation & Dance -NYSAPERD)
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Barrett, Peg LCSW-R	New York State School Social Workers Association; President; Board Member
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Cahill, Mary Director of Instruction and Curriculum	NYSED
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