

3142--B

2011-2012 Regular Sessions

I N S E N A T E

February 9, 2011

Introduced by Sens. HUNTLEY, BONACIC, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to screening of students for eating disorders

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

1 Section 1. Subdivision 1 of section 903 of the education law, as sepa-
2 rately amended by section 11 of part B of chapter 58 and chapter 281 of
3 the laws of 2007, is amended to read as follows:
4 1. A health certificate shall be furnished by each student in the
5 public schools upon his or her entrance in such schools and upon his or
6 her entry into the grades prescribed by the commissioner in regulations,
7 provided that such regulations shall require such certificates at least
8 twice during the elementary grades and twice in the secondary grades. An
9 examination and health history of any child may be required by the local
10 school authorities at any time in their discretion to promote the educa-
11 tional interests of such child. Each certificate shall be signed by a
12 duly licensed physician, physician assistant, or nurse practitioner, who
13 is authorized by law to practice in this state, and consistent with any
14 applicable written practice agreement, or by a duly licensed physician,
15 physician assistant, or nurse practitioner, who is authorized to prac-
16 tice in the jurisdiction in which the examination was given, provided
17 that the commissioner has determined that such jurisdiction has stand-
18 ards of licensure and practice comparable to those of New York. Each
19 such certificate shall describe the condition of the student when the
20 examination was made, which shall not be more than twelve months prior

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

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1 to the commencement of the school year in which the examination is
2 required, and shall state whether such student is in a fit condition of
3 health to permit his or her attendance at the public schools. Each such
4 certificate shall also state the student's body mass index (BMI) and
5 weight status category. For purposes of this section, BMI is computed
6 as the weight in kilograms divided by the square of height in meters or
7 the weight in pounds divided by the square of height in inches multi-
8 plied by a conversion factor of 703. Weight status categories for chil-
9 dren and adolescents shall be as defined by the commissioner of health.
10 FURTHERMORE, EACH SUCH CERTIFICATE SHALL INCLUDE AN ASSESSMENT OF THE
11 STUDENT FOR EATING DISORDERS. SUCH ASSESSMENT SHALL BE CONDUCTED PURSU-
12 ANT TO STANDARDS ESTABLISHED BY THE COMMISSIONER OF HEALTH. In all
13 school districts such physician, physician assistant or nurse practi-
14 tioner shall determine whether a one-time test for sickle cell anemia is
15 necessary or desirable and he or she shall conduct such a test and the
16 certificate shall state the results.

17 S 2. Subdivision 1 of section 904 of the education law, as amended by
18 section 12 of part B of chapter 58 of the laws of 2007, is amended to
19 read as follows:

20 1. Each principal of a public school, or his or her designee, shall
21 report to the director of school health services having jurisdiction
22 over such school, the names of all students who have not furnished
23 health certificates as provided in section nine hundred three of this
24 article, or who are children with disabilities, as defined by article
25 eighty-nine of this chapter, and the director of school health services
26 shall cause such students to be separately and carefully examined and
27 tested to ascertain whether any student has defective sight or hearing,
28 AN EATING DISORDER, or any other physical disability which may tend to
29 prevent him or her from receiving the full benefit of school work, or
30 from requiring a modification of such work to prevent injury to the
31 student or from receiving the best educational results. Each examina-
32 tion shall also include a calculation of the student's body mass index
33 (BMI) and weight status category. For purposes of this section, BMI is
34 computed as the weight in kilograms divided by the square of height in
35 meters or the weight in pounds divided by the square of height in inches
36 multiplied by a conversion factor of 703. Weight status categories for
37 children and adolescents shall be as defined by the commissioner of
38 health. In all school districts, such physician, physician assistant or
39 nurse practitioner shall determine whether a one-time test for sickle
40 cell anemia is necessary or desirable and he or she shall conduct such
41 tests and the certificate shall state the results. If it should be
42 ascertained, upon such test or examination, that any of such students
43 have defective sight or hearing, AN EATING DISORDER, or other physical
44 disability, including sickle cell anemia, as above described, the prin-
45 cipal or his or her designee shall notify the parents of, or other
46 persons in parental relation to, the child as to the existence of such
47 disability OR DISORDER. If the parents or other persons in parental
48 relation are unable or unwilling to provide the necessary relief and
49 treatment for such students, such fact shall be reported by the princi-
50 pal or his or her designee to the director of school health services,
51 whose duty it shall be to provide relief for such students. Each school
52 and school district chosen as part of an appropriate sampling methodol-
53 ogy shall participate in surveys directed by the commissioner of health
54 pursuant to the public health law in relation to students' BMI and
55 weight status categories as determined by the examination conducted
56 pursuant to this section and which shall be subject to audit by the

1 commissioner of health. Such surveys shall contain the information
2 required pursuant to this subdivision in relation to students' BMI and
3 weight status categories in aggregate. Parents or other persons in
4 parental relation to a student may refuse to have the student's BMI and
5 weight status category included in such survey. Each school and school
6 district shall provide the commissioner of health with any information,
7 records and reports he or she may require for the purpose of such audit.
8 The BMI and weight status survey and audit as described in this section
9 shall be conducted consistent with confidentiality requirements imposed
10 by federal law. Data collection for such surveys shall commence on a
11 voluntary basis at the beginning of the two thousand seven academic
12 school year, and by all schools chosen as part of the sampling methodol-
13 ogy at the beginning of the two thousand eight academic school year. The
14 department shall also utilize the collected data to develop a report of
15 child obesity and obesity related diseases.

16 S 3. This act shall take effect on the first of July next succeeding
17 the date on which it shall have become a law, provided that, effective
18 immediately, any rules and regulations necessary to implement the
19 provisions of this act on its effective date are authorized and directed
20 to be completed on or before such date.